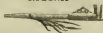




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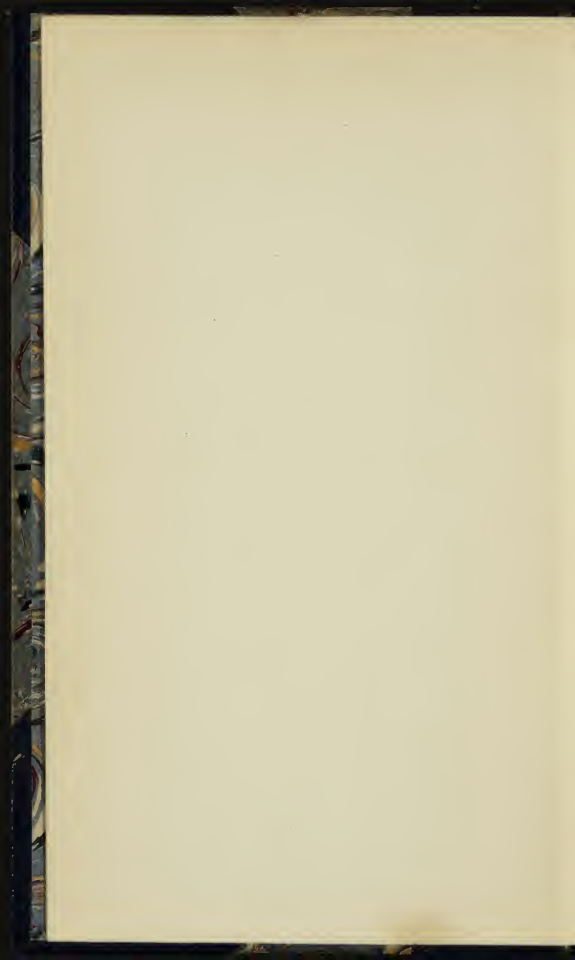
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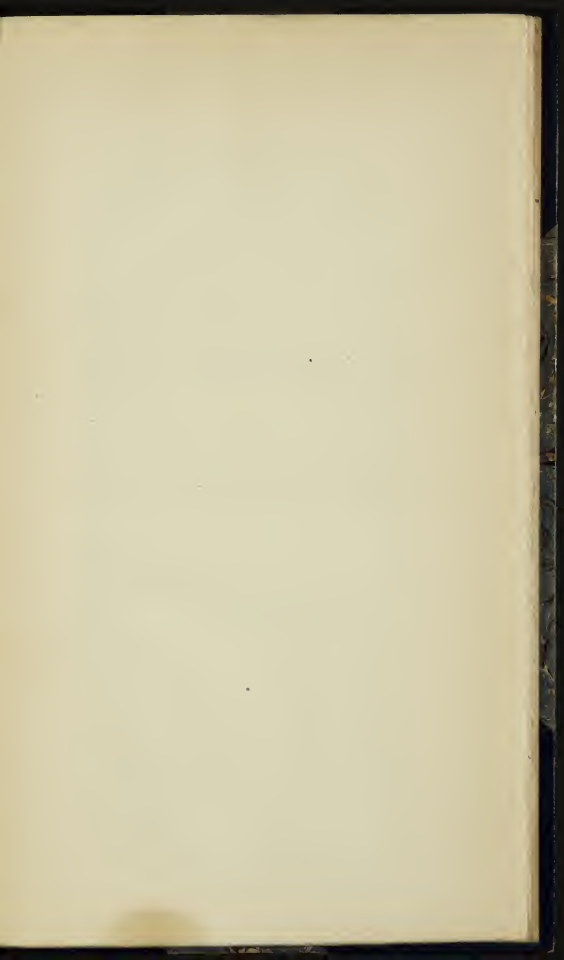


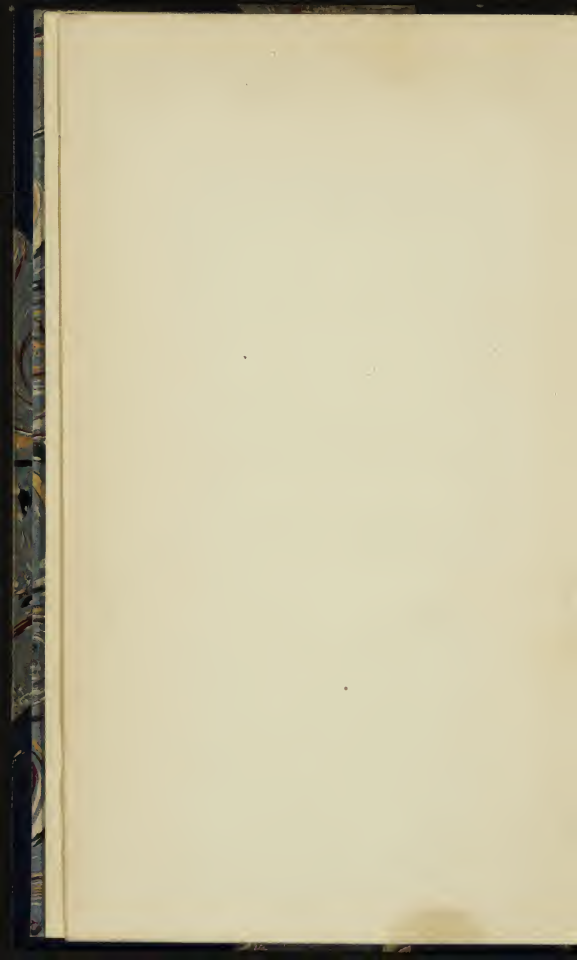
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SPEECH

OF

MR. EVERETT, OF MASSACHUSETTS,

ON THE

BILL FOR REMOVING THE INDIANS

FROM THE

EAST TO THE WEST SIDE OF THE MISSISSIPPI.

Delivered in the House of Representatives,
ON THE 19TH OF MAY, 1830.

BOSTON:
FROM THE OFFICE OF THE DAILY ADVERTISER.

1830.

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Ayer 3609

SPEECH.

MR. SPEAKER :

I SENSIBLY feel the disadvantages under which I rise to address the House. Submissive as I would ever be to the will of a majority of this body, I must express the opinion, that this discussion has been urged forward somewhat too severely. The bill was taken up in Committee of the Whole on Thursday last. That and the following days were occupied by the worthy Chairman of the Committee of Indian Affairs, with the exposition in which he opened the case. The hours appropriated to debate, on Saturday, were taken up by the gentleman from New York, on the other side of the question. Monday was consumed by two gentlemen from Georgia [Messrs. LUMPKIN and FOSTER] in supporting the bill ; and the gentleman from Connecticut [Mr. ELLSWORTH] in opposition to it. Yesterday was occupied by several gentlemen opposed to the bill : but the able argument of the gentleman from Delaware [Mr. JOHNS] was made when it might as well not have been made ; at that hour of the day, or rather of the night, when it is impossible to bring the attention, worn down by a protracted session, to the consideration even of a subject as important as this. After a session of more than twelve hours, last night, the Committee of the Whole refused to rise, at the request of more than one gentleman, who expressed a wish to address them against the policy now proposed ; and, when the committee did rise, the bill was reported to the House. Thus, sir, of five days given to the discussion of a bill of this vast importance, a little more than two is all that has been allowed to those, who think that it ought not to pass. The bill is now out of committee, and it is not in order to reply to any thing that has been urged in its favour. You have given us less time to discuss this all-important measure, than you devoted to the subject of a draftsman for the House. I cannot think an urgency and a precipitation like this, to be justifiable on such a subject.

Had the discussion been permitted to go a little longer in Committee of the whole, as we were promised it should, by the worthy Chairman, (who, as far as it depended on him, would, I am quite sure, gladly have redeemed his pledge,) I intended to go at length into the argument, set forth with such ability, in his exposition of the policy of the bill. It is not in order now to execute this purpose ; and if I were otherwise in a condition to do it, I could not attempt it. For the purpose of pushing forward this measure, the sessions of the House have been protracted to a point beyond the power of the human constitution to bear : and the little strength which I brought with me five hours ago to the House, has failed in the long waiting for an opportunity to address the House. I shall not, therefore, attempt to engage in the great constitutional argument involved in this bill, nor to travel through the wide region of historical research, necessary to illustrate it in all its bearings. I shall confine myself to a limited and practical view of the subject, and a single branch of the argument.

But, before I proceed, I will say a word or two on the imputation of mercenary motives against some of those individuals, who, out of this House, have been conspicuous for their endeavors to enlighten the public mind on this subject. That imputation has obtained no small currency elsewhere,

and has, to say the least, lost no strength by the terms in which it has been repeated on this floor. It has been more than insinuated, that their pretended zeal in the cause of the Indians, on the score of humanity and religion, is prompted by the basest motives of selfishness, and that the annuities of the Cherokee nation have been looked to, and have been disbursed, as the reward of these pretended efforts of philanthropy.

I will not undertake a sweeping vindication of men, whom I do not know, against a vague charge of this kind, made without the least specification of facts. If there are some, who, from unworthy motives, have affected an interest in this good cause, it is no more than happens in every other good cause. I know none such; I defend none such, if they are known to others. But, with respect to the individual most meritoriously conspicuous for his efforts in this cause, the author of the essays of WILLIAM PENN, (so often alluded to on this floor, but which stood in no need of such mention, to give them reputation in the country,) I will say of that gentleman, that he is quite above the reach of that imputation, come it whence it may. He needs no defence against it. It cannot attach itself to him, not even as possible to be conceived of. Sir, I will go further: With some means of information, though not of my own seeking, I will say, that not a shadow of proof has been adduced, that one dollar has been expended by the Indians to procure or to compensate any exertion that has been made on their behalf. I have no belief that a dollar has been so expended by them.

I say this, because I think it due to truth and fact, and not because there would have been any impropriety in such an expenditure, applied in a proper way; and as it is constantly done by them, who have interests at stake. So far from its being improper, had I, when these troubles began, three or four years ago, been called upon by the Cherokees, for my humble advice, I would in lieu of every thing else, have advised them, to retain the services, at any cost, of the ablest counsel in the United States. How can it be expected, that this friendless, unrepresented people, with no voice in our councils, no access to our tribunals, no place in our community, should, without aid, plead their own cause, effectively, against the States that surround them, and the General Government itself? I am only astonished, that they have been able to sustain their cause, as they have: and had their whole annuity been applied, for the purpose I have named, it would have been the best use that they could have made of it. Had this been done, their fate would not now be trembling on our decision, coerced under the previous question, in a midnight session.

As I have already stated, I shall not go into the constitutional argument. It has been most ably treated; and an array of authorities set forth, which has not been, and in my judgment cannot be shaken. I will, in passing, but add one to their number, which has not yet been cited; and which shows that the principle on which this Government has hitherto acted towards the Indians, and which it is now proposed to repudiate, has been incorporated as far as it was in our power to incorporate it, into the Law of Nations. We were happy enough to lay down those principles, as the basis of our policy toward the Indians, when that policy was under discussion at Ghent, in 1814. The British negotiators then made this allegation, against our envoys:

"The American Government has now, for the first time, in effect, declared, that all Indian Nations living within its line of demarcation, are its subjects, living there upon sufferance, on lands, which it also claims the exclusive right of acquiring; thereby menacing the final extinction of these nations."

Such was the charge of the British negotiators, in their letter of 4th September, 1814. To this charge the American Envoys made the following reply:

"If the United States had now asserted, that the Indians within their boundaries, who have acknowledged the United States as their only protectors, were their subjects, living only at their sufferance on their lands, far from being the first in making that assertion, they would only have followed the example of the principles, uniformly and invariably asserted in substance, and frequently avowed in express terms, by the British Government itself. * * *

"From the rigor of this system, however, as practised by Great Britain, and all the other European Powers in America, the humane and liberal policy of the United States has voluntarily relaxed. A celebrated writer on the Law of Nations, to whose authority British jurists have taken particular satisfaction in appealing, after stating in the most explicit manner, the legitimacy of colonial settlements in America, to the exclusion of all rights of uncivilized Indian tribes, has taken occasion to praise the first settlers of New England, and the founder of Pennsylvania, in having purchased of the Indians the lands they resolved to cultivate, notwithstanding their being furnished with a Charter from their sovereign. It is this example, which the United States, since they became by their independence, the sovereigns of the territory, have adopted and organized into a political system. Under that system, the Indians residing within the United States, are so far independent, that they live under their own customs, and not under the laws of the United States : that their rights upon the lands where they inhabit or hunt are secured to them, by boundaries, defined in amicable treaties, between the United States and themselves ; and that, whenever those boundaries are varied, it is also by amicable and voluntary treaties, by which they receive from the United States ample compensation for every right they have to the lands ceded by them."

Such in 1814, was the opinion entertained of our Indian relations, by John Quincy Adams, James Bayard, Henry Clay, and Albert Gallatin.

But I pass to a narrower view of the subject. I shall treat this matter plainly and practically. I shall go into no abstractions ; no refinements.—I go to the substance. What is the question ? It is, whether by passing this bill, *we will furnish the means*, to carry into effect the policy "prescribed" by the Executive, for the removal of the Indians. Yes, sir, *prescribed* ; I use the word, but it is not my own. At an early stage of the session the course, for which this bill furnishes an appropriation, was, by a member of this House, friendly to the bill, said to be *prescribed* by the President. This language, I believe is novel on this floor. I never heard it, nor heard of it before, in ~~my~~ connection with this House. I was not aware, that there existed an authority on earth, that could prescribe any thing to this House.—It struck my ear ; but it seemed to excite no surprise, it passed as a matter of course ; no one protested against it, as an infringement of the privileges of this House. I did indeed, then almost give up the cause in despair. What hope could be left, when, organized as parties are, in and out of this House,—a measure like this could be said to be "prescribed" by the Executive.

What then is this prescribed policy ? It is to co-operate with the States, and particularly with Georgia, Alabama, and Mississippi, in removing the Indians. I name these States, for a reason, that I shall presently state. I omit North Carolina and Tennessee, because the provisions of the bill do not apply to them. In the State of Tennessee there is a large and valuable tract of land, occupied by the Cherokee Indians. Those lands lie north and east of the Congressional reservation line of the State of Tennessee.—The United States have long since ceded their interest in them, to the State of Tennessee ; and whenever the Indian title to them is extinguished, it will of course be, as in similar cases it always has been, at the expense

of that State. For this reason, and to prevent the provisions of the bill, as originally drafted, from applying to the States of North Carolina and Tennessee, an amendment was moved, by a Senator, and adopted as a feature of the bill.* Those States have no interest in it.

The bill then provides the means of co-operating with the States of Georgia, Alabama, and Mississippi, in removing the Indians within their limits. It is not a substantive measure, ending where it begins, in the legislation of Congress and the action of the General Government. It is a joint policy. We are to do part, and the States to do part. We are to furnish the money, and a portion of the machinery. The great principle of motion proceeds from the States. They are to move the Indians. We are to pay the expense of the operation.

What is the warrant for such a statement? I admit, as amply as gentlemen please, that it has long been the policy of the General Government to remove the Indians from their lands, if their consent could be obtained in treaties negotiated with them, as thus far independent societies. It is a policy we have long pursued, and with a success, which, one would think, would satisfy the warmest friend of Indian cessions. We have acquired east and west of the Mississippi, by treaties, about *two hundred and thirty millions* of acres of land. I do not wish to be understood, as condemning this policy. The consideration paid to the Indians has, I believe, generally been to them a fair equivalent, for the value, which the lands ceded possessed in their hands. But with the four Southern tribes, the policy had been pushed so far, and so rapidly, that they had come to the resolution, that they would cede no more. We tried it with each tribe; through the agency of the most respectable and skilful commissioners; by the offer of the largest bribes; by the force of the most unwearied importunity. The answers came, at last, in terms from one of them, and in substance from all; "that they would not cede another foot of land." Such no doubt was their determination, but they could not have adhered to it; and if the States had been willing to exercise a little patience, there is no doubt, that they would, in the course of no long period of years, have obtained all they wish. This they did not think it expedient to do. The United States, having abandoned for the present the hope of obtaining by treaty any more lands from the Southern tribes, and it having been determined, in the words of President Monroe, that force was not to be thought of; the matter must, under the Constitution and laws of the States, for the present have rested, where it stood three years ago. There is no way known to the Constitution and laws of the United States, by which Indian land can be acquired, but by conquest in open war, and amicable agreement by treaty.

Here then the States step in, with the novel, and, as I regard it and deem it fully proved in this debate, the unconstitutional and illegal extension of their ordinary civil and criminal jurisdiction over these tribes, accompanied with enactments, peculiarly operative and oppressively binding on them.—The Indians, (with whom we have negotiated treaties,) promising them protection, come and ask to be protected against this unheard of assumption. They ask us to ward off the blow aimed at them; to arrest the strong arm, stretched out against them. The President tells them he cannot do it.—The executive government reiterates that we cannot, shall not, will not give them this protection; and the President advises them to remove westward.

Now, what are these laws? I will not now specify their provisions. It

*The amendment referred to is in these words: "Within the bounds of any one or more of the States or territories, where the land claimed and occupied by Indians is owned by the United States, or the United States are bound to the State, within which it lies, to extinguish the Indian title thereto."

is sufficient to say, in the general, that they are such, by all admission, that the Indians cannot live under them. The Indians say they cannot live under them. The Executive tells them, they cannot live under them. The States evidently do not expect that they can or will live under them. The laws were, beyond all question, not passed with any such design: they are not so regarded by the Indians, nor by ourselves. What says the Chief Magistrate? "A portion of the Southern tribes having mingled much with the whites, and made some progress in the arts of civilized life, have lately attempted to erect an independent Government, within the limits of Georgia and Alabama. These States, claiming to be the only sovereigns within their limits, extended their laws over the Indians, which induced the latter to call on the United States for protection."

The President, after an argument on the extent of the right of the Indians to erect an independent Government, an argument sufficiently examined already in this debate, goes on to say:—

"Actuated by this view of the subject, I informed the Indians inhabiting parts of Alabama and Georgia, that their attempt to establish an independent government would not be countenanced by the Executive of the United States: and advised them to emigrate beyond the Mississippi, or submit to the laws of the States."

It is plain, that it was the first part only of this advice, viz: the removal that the President thought it for the interest of the Indians to follow. This we see in the following language of the Secretary of War, in his instructions to Generals Carroll and Coffee, bearing date 30th May, 1830:—

"A crisis in our Indian affairs has arrived. Strong indications are seen of this in the circumstance of the Legislatures of Georgia and Alabama extending their laws over the Indians within their respective limits. These acts, it is reasonable to presume, will be followed by other States, interested in those portions of their soil, now in the occupancy of the Indians. In the right to exercise such jurisdiction, the Executive of the United States fully concurs; and this has been officially announced to the Cherokee Indians. The President is of opinion, that the only mode left for the Indians to escape the effects of such enactments, and consequences yet more destructive, which are consequent on their contiguity with the whites, is to emigrate."

"The President views the Indians as the children of the Government.—He sees what is best for them; and that a perseverance in their refusal to fly the dangers that surround them, must result in their misery and final destruction. He would, if appeals to their reason fail, induce them by rewards, to avoid the threatened calamity."

"Your first business, should you consent to engage in this work of mercy to the Indians, would be to ascertain upon whom, as pivots, the will of the Cherokees and Creeks turns. Go to them, not as a negotiator, but friend. Open to each a view of his danger, and the danger that threatens his people. This may be made up of references to their present state, as to numbers, when compared with the past; the causes that have produced this thinning of their numbers; and here you might enlarge on their comparative degradation as a people, and the total impossibility of their ever attaining to higher privileges while they retain their present relations to a people who seek to get rid of them; to the inefficiency of their own laws for their advancement; and finally to the fact that these will be superseded and trodden under foot, by the exercise over them, of the laws of the States. And here you might amply illustrate the really difficult relation which the Cherokees, particularly, bear to this question, by the passing over them of the various laws of four States!"

This is the language held by the President and Secretary of War, as to

the character and effect of these State laws. That the Indians regard them in the same light as connected with their own removal, is seen, if it need confirmation, in Gov. Carroll's despatch to the Secretary of War. In a letter dated Winchester, Tenn. 2d Sept. 1829, that most respectable and distinguished citizen uses the following language :—

"The truth is, they (the Indians) rely, with great confidence, on a favorable report on the petition they have before Congress. If that is rejected, and the laws of the States are enforced, you will have no difficulty in procuring an exchange of lands with them."

Sir, I have seen an authentic account of the proceedings of the Choctaw Council, lately convened to consider this subject of emigration. It was a scene, as we are told by the Mississippi papers, that could not be witnessed without tears. After the new chief had been installed in office, "he introduced to the council the subject of a removal in this way: he first stated some of the laws of Mississippi, and then inquired of them, whether they would remain where they were, and submit to these laws, or remove over the Mississippi. He also stated the substance of the last talk to them of the President of the United States. The captains and others rose and spoke: the general sentiment was—we are distressed—we cannot endure the laws of Mississippi—we do not think our great father loves us—we must go, as he will not help us while we remain here."

If another authority is needed, I will add that of Gen. Coffee, in a letter to the Secretary of War, dated Creek Agency, Oct. 14, 1829: "They express a confident hope that Congress will interpose its power, and prevent the States from extending their laws over them. Should they be disappointed in this, I hazard little in saying, that the Government will have little difficulty in removing them west of the Mississippi."

If the States enforce the laws, they will be glad enough to go!

The States declare they will enforce them. The Indians cry to us for protection. We tell them we will not protect them, and the consequence is, they go.

This bill is to appropriate the funds for their removal.

Such is the bill of which we are told that there is nothing in it objectionable, that it contemplates nothing compulsory. This is the removal which is said to be voluntary. These are the laws which are said to have no connexion with the subject; into which we have been told it is irrelevant and idle to inquire!

Nothing to do with the subject! Take the bill as it is! Not to presume that Georgia, Alabama, or Mississippi, has passed, or can pass, any law that varies this question! Why, it is the very point on which the rightfulness of the measure turns. Here is wrapped up the great objection to the removal, that it is compulsory; an objection which we published ten thousand copies of the report of the Indian Committee to obviate; and which is not touched, I believe, in that report. The State laws nothing to do with our legislation! Why they are the very means on which our agents rely to remove the Indians. It is the argument first and last on their tongues. The President uses it; the Secretary uses it; the Commissioners use it.—The States have passed the laws. You cannot live under them. We cannot, and shall not protect you from them. We advise you, as you would save your dear lives from destruction, to go.

I appeal to the House if I overstate this point.

The question then is, shall we nerve the arm of this State legislation, which is put forth forcibly to remove the Indians. That is the question for us to decide. It is the only question, and we are the only authority. This Congress is the only tribunal clothed with power to decide it. It depends on our vote; and it depends on nothing else. It is the business of the Presi-

dent to enforce our laws, not the laws of the States. He is solemnly sworn, to the best of his ability, to "preserve, protect, and defend the Constitution of the United States," to take care that the laws *we pass* are faithfully executed, and "this Constitution and the laws of the United States" made in pursuance thereof, and all treaties, made, or which shall be made, "under the authority of the United States, shall be the supreme law of the land, and the Judges in every State shall be bound thereby, *any thing in the Constitution or laws of any State to the contrary notwithstanding.*"

The President then has no power in this matter but to execute the laws and treaties of the United States. The great question is to be settled by us. We are to protect the Indians from this legislation, or abandon them to it. No other power on earth can do it.

Sir, it is force. The President himself authorizes us to call it force. In his message, at the opening of the session, he says: "By persuasion *and force* they have been made to retire from river to river, and from mountain to mountain." When were any means employed to detrude the Indians better entitled than these laws to the name of force? He does not probably refer to open wars against hostile nations, in which he has been himself, so beneficially for his country, and so much to his own fame, distinguished.—No. I take the message to intend legislative force, moral force, *duress*, the untiring power of civilized man pushing his uncivilized neighbor farther and farther into the woods. This I take to be the force to which the President alludes. And if this kind of action, unavoidably incident to the contiguity of the two races, be justly called *force*, how much more so the legislation of which the Indians complain, avowedly instituted to effect their removal, and confessedly insupportable in its nature!

Sir, it is force. It is because it is force that our interference for protection is invoked. I know it comes in the form of law; but is not the law force? Suppose the Indians disobey the laws, (and they are no more bound to obey them than the Mexicans are,) is there no force then? Are not the sheriff, the constable, the gaoler, the executioner, ministers of force? No force? A law passed over my head by a power which I cannot resist, a law intended to make me fly the country, because I cannot live under it, and I not forced to go? There was no force then applied against the Hugunots by the revocation of the edict of Nantz. They had only to adopt the Catholic faith, and dragoons were sent among them to assist in their conversion. There was no force employed by the British Government toward the Puritans. They needed only to conform to the established Church, and they would then be safe from the visitations of the Star Chamber. But it was well known that these victims of power could not and would not submit; and history has recorded that they were driven by force from their native land. I do not say that the State laws are so oppressive as these odious measures of a dark and bigoted age in Europe. I do but take their admitted character, which is such that the Indians cannot live under them. The peculiar kind and degree of the disability imposed by the laws are immaterial, if, in the general result, they are, as they are admitted to be, intolerable.

I say again, then, that legal force is the most efficient and formidable that can be applied. It is systematic, it is calculated and measured to effect its end. The sovereign power sits calmly in its Council Chamber, and shapes its measures most effectively to the desired object. Actual physical force is either tumultuary, as that of the mob, and of consequence transitory; or it is that of the military arm of the Government which, from the nature of things, is put forth only at a crisis, and to meet the exigency of an occasion. But force embodied in the form of law, a compulsory legislation, a code beneath which I cannot live, a *duress* which surrounds me, and pursues me,

whithersoever I travel, wherever I abide; ever acting by day, ever watchful by night, coextensive with the land in which I live; Sir, I submit to this Congress of reasonable men, that it is the most effectual and the most appalling form in which force can be applied; the most disheartening. All other force awakens a manly courage of resistance. But this deadly influence of an unfriendly legislation, this cold averted eye of a Government, which has checks and restraints for you, but no encouragements nor hopes; in short, this institution of things which is intended to depress, harass and prostrate you, beneath which you feel you cannot live, and which drives you as an outcast from your native land; this is the force which every freeman would most deprecate.

Sir, I acknowledge my mind has been strangely confounded by the propositions laid down by the Executive Government and those who support its policy toward the Indians. I am ready to think that they or I have lost sight of the ordinary significancy of terms. I had supposed the general idea of the nature of law was settled in the common agreement of mankind. Sages, when they attempted to describe it in its highest conception, had told us, that its seat was the bosom of God, and its voice the harmony of the worlds. I had been taught to reverence the law as a sort of earthly Providence; as the great popular sovereign; the unthroned and sceptreless prince; the mild dictator, whose province it was to see that not a single subject of its sway received harm. With these conceptions, how can I understand it when I hear that the Indians claim to be protected against the laws of the States? Protected against the laws! I thought it was the object of the law to protect every good man from all harm whatever, and even to visit on the bad man only the specific penalty of his proven offence. But protection against the law: protection against the protector? Sir, I cannot understand it: it is incongruous. It confounds my faculties. There must be fatal mischief concealed in so strange a contradiction of language.

It has been asked, in a highly respectable quarter, "what has a Cherokee to fear from the laws of Georgia?" Is it necessary for me to answer that question, and tell what a man has to fear from laws under which it is admitted he cannot live? But I will answer the question specifically; and, in the answer I give, I implore gentlemen whose duty it is to vindicate the honor of Georgia, not to understand me as casting any imputation upon it. I will say nothing which the most tender sensibility can construe into an aspersion of her honor, because I mean nothing which can be so construed. I will state, then, what a Cherokee has to fear from the laws of Georgia.

By the fifteenth section of her law, of 19th December, 1829, it is provided "that no Indian, or descendant of any Indian, residing within the Creek or Cherokee nation of Indians, shall be deemed a competent witness in any Court in this State to which a white person may be a party, except such white person resides within the said nation."

It would be going out of my way to dwell on the point, yet I cannot but remark, in passing, that this law makes a singular discrimination, both as respects the credibility of Indian testimony and the rights of Georgian citizens, whom it is the presumable intention of the law to protect against evidence, which cannot in its alleged nature be sufficiently responsible.—Georgia has attached the different portions of the Cherokee country to her several adjacent counties, and made them parts of those counties. It is well known also, that in proportion as the Cherokees have been drawn off by emigration, citizens of Georgia have advanced into the country, and numbers of them are now resident there. Against these latter, the Cherokee is a competent witness in a Court of law. Here, then, we have the singular incongruity that Indian testimony is good against a Georgian citizen in one part of a county, and not good against him in the other. Thus

the citizen of the county of Gwinnet, who lives at Lawrenceville, is safe against Indian testimony. But the citizen of the same county, west of the Chattahoochee, may be tried and convicted on that testimony in the same Court. So, too, the Cherokee is an incompetent witness; he cannot give testimony on a sufficiently responsible sanction, against any citizen of Lawrenceville; but the Court will receive his testimony as adequate in any cause in which a citizen of Georgia from the other side of the river is a party. It is an obvious consequence of this state of things, that the same Indian, in the same Court, and on the same day, is and is not a competent witness. This hour he is, according to the argument, an uncivilized pagan, possessing no religion nor superstition by which the Court can bind his conscience; the next hour he may swear away the life of any Georgian resident in the Indian country. Does not this show that the law has no foundation in any political or social necessity?

But I return to the question, what has the Cherokee to fear from this law of Georgia? He has this to fear. The citizens of Georgia, I admit, freely and cheerfully, to be as orderly, virtuous, and humane a people as the citizens of any other State of the Union. I presume, however, that in Georgia, as in every other State, there are individuals, in considerable numbers, who regard the law only for its terrors; whom justice and honesty do not control, except as they are enforced by the law. Such men exist in all the States; they keep our Courts of criminal jurisdiction constantly employed. In my own State, and in perhaps the most orderly community in it, the country has lately seen, with horror and astonishment, that there are men capable of atrocities, which would shock the brigands of Calabria. Well, then, sir, suppose the State of Georgia to contain some such; they have but to cross the Cherokee line; they have but to choose the time and the place, where the eye of no white man can rest upon them, and they may burn the dwelling, waste the farm, plunder the property, assault the person, murder the children of the Cherokee subject of Georgia, and though hundreds of the tribe may be looking on, there is not one of them that can be permitted to bear witness against the spoiler. When I am asked, then, what the Cherokee has to fear from the law of Georgia, I answer, that, by that law, he is left at the mercy of the firebrand and dagger of every unprincipled wretch in the community. Am I told the laws of Georgia are kindly administered towards this people; that they have often obtained justice in the Courts of Georgia? I do not doubt it; I know it, on the best authority. But the law of which I speak, is a new law; it has not yet gone into operation; and, when it has gone into operation, let it be administered as mildly as you please, it cannot admit an Indian's testimony against a white man not resident in the nation.

What has a Choctaw to fear from the laws of Mississippi? He has this to fear. The fifth section of one of those laws provides, "that any person or persons who shall assume on him or themselves, and exercise, in any manner whatever, the office of Chief, Mingo, Headman, or other post of power established by the tribal statutes, ordinances, or customs of said Indians, and not particularly recognized by the laws of this State, shall, on conviction, upon indictment or presentment before a Court of competent jurisdiction, be fined in any sum not exceeding one thousand dollars, and be imprisoned any time, not exceeding twelve months, at the discretion of the Court, before whom conviction may be had."

Now, sir, there is a treaty between the United States and the Choctaw nation, negotiated at Doak's Stand, not ten years ago, and signed on behalf of the United States, by the present Chief Magistrate, and the respectable member [Mr. HINDS] from Mississippi. The thirteenth article of that treaty is as follows: "To enable the Mingoes, Chiefs, and Headmen of the

"Choctaw nation to raise and organize a corps of light-horse, consisting of ten in each district, so that good order may be maintained, and that all men, both white and red, may be compelled to pay their just debts; it is stipulated and agreed, that the sum of two hundred dollars shall be appropriated by the United States, for each district annually, and placed in the hands of the agent, to pay the expenses incurred in raising and establishing the said corps; which is to act as executive officers, in maintaining good order, and compelling bad men to remove from the nation, who are not authorized to live in it, by a regular permit of the agent."

Now, as I understand the law of Mississippi, any person who should presume to act as a chief among the Choctaws, and to exercise the authority given him by this treaty, and put in action the force, which the United States not only recognize and sanction, but support and pay, would be subject to fine and imprisonment. If they come to the President and say, here is the treaty and here is your own signature and seal; the President has been induced, by his official advisers, to tell them he cannot protect them, and to prison they must go, and their fine they must pay, whenever it shall be the interest of any one to drag them before the Courts of Mississippi. Sir, it has been stated to me, I do not vouch for the fact, but so I have been informed, that since the passage of this law the whiskey traders have made their inroads into the Choctaw country; the Chiefs dare not exercise their own strict laws against them, for fear of incurring the severe penalties above recited; and thus the first fruit of this State Legislation has been to arrest the progress of reform, which had commenced and made the most extraordinary progress among the nation, in that vice to which they are supposed to have the strongest natural disposition.

I have shewn, sir, what an Indian has to fear from the laws of the States. I now feel warranted in repeating, that *it is the object of this bill to appropriate a sum of money to co-operate with the States in the compulsory removal of the Indians.*

Notwithstanding all that has been said to the contrary, I pronounce this to be a new policy. We have been told that it is the established policy of the Government; that many successive Presidents have recommended it; and many successive Congresses have appropriated funds to carry it into effect; and much surprise is expressed, that now, for the first time, it should meet with opposition. I maintain, on the contrary, that it is a new policy, and I challenge the proof that it is not.

Sir, I do not know that even the *voluntary* removal of the Indians was ever regularly considered and adopted by Congress, the only power competent to adopt it. I know that, from time to time, steps have been taken to effect such a voluntary removal, by treaties, and that appropriations have been made to carry the treaties into effect. This is the most that has been done by Congress. I am aware that at the Second Session of the Eighteenth Congress a bill passed the Senate, but was not, I believe, acted on in the House, which made an approach toward a systematic removal of the Indians; carefully guarded, however, to be purely voluntary; and this bill passed at a time before the coercion of the State laws was thought of. The provisions of that bill are widely different from the provisions of the bill before us, and coincide with the judicious amendment to the latter which the gentleman from Pennsylvania [Mr. HEMPHILL] has already announced the intention of offering, and for which I tender him my hearty thanks. The third section of the bill which passed the Senate in 1825, provides—

"That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint five commissioners, to receive a reasonable compensation, who shall, under his instructions, hold treaties with the Osages, the Kansas, or any other tribe having just claims to the

"country, for a cession of territory westward of the State and Territory aforesaid, for the purpose above specified; and to visit the Cherokees, Creeks, Choctaws, and Chickasaws, residing in North Carolina, Georgia, Tennessee, Alabama, and Mississippi; the Delawares, Kickapoos, Shawnees, Weas, Ioways, Piankeshaws, Cherokees, and Osages, residing in Missouri and Arkansas; and the Wyandots, Shawnees and Senecas, Delawares, Kaskaskias, and the Miami and Eel River Indians, residing in Ohio, Illinois and Indiana, in order to make known to them the views of the Government; and, under the directions of the President, and with the consent of the Indians to adopt such measures and form such arrangements, or to enter into such treaties, as may be deemed proper to effect the same; and to pledge, in such manner as he may direct, the faith of the nation, as he is above authorized to do; the said commissioners to act either jointly or separately as he may direct."

This is the nearest approach that I am aware was ever made to the enactment, by Congress, of a systematic plan for the voluntary removal of the Indians; and this, as I have said, was long before the attempt had ever been made, by the States of Georgia, Alabama, or Mississippi, to extend their laws over the Indians within their limits. That this pretension is of the most recent character, the passages cited by the gentleman from Maine, [Mr EVANS] from the speech of the Senator from Mississippi, in 1827, abundantly prove—if, indeed, the fact be not too notorious to require proof.

I therefore pronounce, again, the policy of this bill to be wholly novel. Its great distinctive element, the part to be performed by State legislation, is entirely new. It is not three years old. When gentlemen tell me this is the ancient policy of the Government, let them point out the laws, passed by the States, under which it was impossible for the Indians to live, and which require them to remove, in order to escape destruction. These laws cannot be pointed out. It is a new policy. The State laws are not two years old; and the refusal of the Executive of the United States to protect the Indians against them, is not a year old. On the 11th of last April, the officer at the head of the bureau of Indian Affairs, informs the Cherokee Delegation by direction of the Secretary of War, "That the Secretary is not now prepared to decide the question, involved in the act of the Legislature of Georgia, to which you refer, in which provision is made for extending the laws of Georgia over your people, after the first of June, 1830. *It is a question which will doubtless be the subject of Congressional inquiry, and what is proper in regard to it will no doubt be ordered by that body.*"

So late, then, as the eleventh of April of the last year, the essential feature of this "ancient policy" had not received the sanction of the present Executive. On the 30th of May following, (not yet a year,) we learn, from the instructions of the Department, to Generals Carroll and Coffee, that, "in the right to exercise such jurisdiction,"—that of the States over the Indians—"the Executive fully concurs."

It is, in my judgment, much to be regretted, that the President should have felt himself authorized to decide this question, which about six weeks before had been pronounced, by the Secretary of War, to be a matter, in regard to which, "*no remedy exists, short of one, which Congress alone can supply.*"

On the strength of these documents, I may venture to pronounce this policy, (which has been recommended to us as the ancient and established policy of the Government,) to be the growth of the last twelve months.

And now, Sir, let us proceed to contemplate it in some of its details.—The notion, which seems to accompany this plan of removal, in both the voluntary and compulsory forms, the notion, I mean, of an Indian State, to be

elevated to an equality with the political members of this Union, appears to have presented itself vaguely to the old Congress. In the treaty with the Delawares, negotiated in 1778, it is provided as follows, in the 6th article :

"It is further agreed on, between the contracting parties, (should it for the future be found conducive for the mutual interest of both parties,) to invite any other tribes, who have been friends to the interests of the United States, to join the present Confederation, and to form a state, whereof the Delaware Nation shall be the head, and have a representation in Congress." It was also provided, in the treaty of Hopewell, with the Cherokees, in order "that the Indians may have full confidence in the justice of the United States, respecting their interests, they shall have the right to send a deputy, of their choice, whenever they see fit, to Congress."

It is unnecessary to say that these stipulations were never carried into effect. They are properly quoted, as illustrating the opinions, held at that period, on the subject of Indian relations. Each of these treaties existed prior to the Constitution, and was recognized by that instrument, and, consequently, by every State which adopted it, as a portion of the law of the land, "any thing in the Constitution or Laws of any State to the contrary notwithstanding."

When Mr. Jefferson acquired Louisiana, he conceived the idea of providing, in the upper part of it, an abode for the Indian tribes. His idea was, to remove the Indians, by treaty, from the Eastern to the Western bank. "The inhabited part of Louisiana," says he, "from Point Coupée to the Sea, will, of course, be immediately a Territorial Government, and soon a State. But above that, the best use we can make of the country, for some time, will be, to give establishments in it to the Indians on the East side of the Mississippi, in exchange for their present country, and open land offices in the last, and thus make this acquisition the means of filling up the Eastern side, *instead of drawing off its population*. When we shall be full on this side, we may lay off a range of States on the Western bank, from the head to the mouth, and so range after range, advancing compactly, as we multiply."*

In another letter, written 1st November, 1803, he uses still more emphatic language.—"Spain is afraid of her enemies in Mexico, but not more than we are. Our policy will be to form New Orleans and the country on both sides of it into a State, and as to all above that, to transplant our Indians into it, *constituting them a Marechaussee*. (a mounted patrol,) to prevent emigrants from crossing the river, until we shall have filled up all the vacant country on this side. This will secure both Spain and us as to the mines of Mexico for half a century."†

I have more than one object in these citations. An attempt has been made lately, on the strength of a few garbled passages from the Journals of the Old Congress, to fix on New England the odious and improbable charge of having refused to protect the West from the Indians, in order to cripple the growth of that part of the country. We here find that this policy, if ever systematically formed, is to be traced to a quarter remote from New England. Mr. Jefferson proposed, in 1803, to collect the Indians on the right bank of the Mississippi, for the express purpose of forming them into an armed guard, to prevent the emigrants from crossing over.

It must be admitted that Mr. Jefferson's project was crude enough, although it was free from most of the objectionable features of the measure now proposed, and possessed some positive advantages. It contemplated no interference of State legislation, but amicable agreement by treaty, as ap-

* Jefferson's Works, III. p. 512.

† Jefferson's Works, IV. p. 6.

appears by the act creating the Territory of Orleans and the District of Louisiana, of the 26th March, 1804. In that act, we find the following section :

"The President of the United States is hereby authorized to stipulate with any Indian tribes *owning* lands on the East side of the Mississippi, and residing thereon, for an exchange of lands, the property of the United States, on the West side of the Mississippi, in case the said tribe shall remove and settle thereon ; but, in such stipulation, the said tribes shall acknowledge themselves to be under the protection of the United States, and shall agree that they will not hold any treaty with any foreign Power, individual State, or with the individuals of any State or Power ; and that they will not sell or dispose of said lands, or any part thereof, to any sovereign Power, except the United States, nor to the subjects nor citizens of any other sovereign Power, nor to the citizens of the United States."

We here see that the Congress of 1804 recognized the *ownership* of the Indians in the lands they occupy ; and we find no trace of that coercive State legislation, which forms the great objection to the present measure. In providing, also, that the Mississippi itself, and not an imaginary line four hundred miles West of it, should be the boundary of the Indians, and that there, for half a century, they should be securely entrenched, behind this mighty barrier, Mr. Jefferson certainly made a vastly better provision for their security, than we can now make. Still, however, in the idea of a successive removal of the Indians, as they should be crowded on, by each new range of States, and in thus associating a place of refuge for the Indians, with the gradual extension of our own population over the same region, Mr. Jefferson evidently aimed at objects at war with each other, and attempted to promote, at the same time, two measures which were essentially at variance.

Could Mr. Jefferson have executed the first part of his plan, it might have been well for the Indians. Unfortunately for its success, the other portion of the project began instantaneously to execute itself. A principle of our political system was immediately developed, far more active in its progress, far more tenacious in its hold, than any principal that could be applied to the preservation of the Indians. Our own population rushed over the river ; they looked round on the broad new region as their own ; their own they made it ; and before Mr. Jefferson's Indian *Marechaussee* could be organized, to keep off the emigrants, the emigrants were sufficiently numerous to embarrass the settlement of the Indians. So that, instead of procuring them an asylum for fifty years, those that were sent over were subject to the same pressure of a rapidly increasing white population, which had borne upon them in the old States.

Sir, could it be otherwise ? will it be otherwise ? What, are you indeed going to abandon this region to the Indians ? Mr. Jefferson's second range of States ? This fine tract, as you describe it, six hundred and fifty miles long, and two hundred broad ; the garden of the United States ; a fine soil, well watered, rich in coal mines, and capable of being covered with forests, are you going to lock it up, in mortmain, for the Indians ? Can we stop the wave of population, that flows toward it ? Will we do it ? We cannot ; we shall not. Precisely the same process which has gone on in the East, will go on in the West. That onward march, which neither the Alleghany mountains, nor the Ohio, nor the Mississippi, could arrest, will not be checked by your meridian lines, nor parchment patents. If the land as you say, is good, it will never be the policy of this Government to hold the keys of the territory, and turn off the emigrants, that will claim to enter. A cordon of troops could not do it. Withhold your leave, and they will go without leave. They will boast themselves your citizens ; they will soon demand a territorial government ; they will next swell into a sovereign

State; will extend their jurisdiction over the Indians, and drive them into Texas.

Nor was this the only difficulty in the way. The first step in this great policy of removal was met by the obvious embarrassment, that the territory west of the Mississippi, toward which the removal was to be made, was itself occupied by numerous warlike and powerful tribes of Indians, of a race alien from those whom it was proposed to remove. Previous then to removing the Indians from the left bank of the river, it became necessary to remove others from the right bank, to make way for them. What was to become, what did become of those thus to be removed from the right bank? It would require time and source of information not at my command to trace them into their narrowed limits, and point out particularly their fate. But the nature of things teaches us what it must have been.—Driven into closer bounds, and forced upon neighboring tribes, their removal from the hunting grounds to which they had been accustomed on the right bank of the Mississippi, must have been the source of wars, destruction to all parties, in their immediate effects, and doubly fatal in the interference of our arms, which it involves as a necessary consequence. Be this as it may, on the 8th November, 1808, a cession was made by the Great and Little Osages, of a large tract of land, containing a considerable part of the present State of Missouri and territory of Arkansas, amounting to forty-eight millions of acres, for a consideration substantially of about one thousand dollars *per annum*.

As the first step in this policy of removal, the history of this treaty may be worth repeating. In the year 1804, the President of the United States gave his promise to a number of Osage Chiefs, then on a visit to Washington, to establish for them a trading house, on the plan authorized by a law of Congress in 1806. The same promise was repeated to another deputation, and in October 1808 the establishment took place. So for it seemed to be a gratuitous act; but in the following month it assumed a different character. On the 8th of November, 1808, the agent of the United States for the Osages, Peter Choteau, appeared at Fort Clark. On the 10th he assembled the Chiefs of the Great and Little Osages in Council, and proceeded to state to them a substance of a treaty, which he said Governor Lewis had deputed him to offer to the Osages, and to execute with them. Having briefly explained to them its purport, he addressed them in the following words: "You have heard this treaty explained to you, those who now come forward and sign it shall be considered the friends of the United States, and treated accordingly. Those who refuse to come forward, and sign it, shall be considered as enemies of the United States, and treated accordingly." The Osages replied in substance, "that if their great American Father wanted a part of their land, he must have it; that he was strong and powerful, they were poor and pitiful; what could they do?" "He had demanded their land, and thought proper to offer them something in return for it. They had no choice; they must either sign the treaty, or be declared the enemies of the United States."

The treaty was accordingly signed, on the same day; and so much were the Osages awed by the threats of the agent, that a very unusual number of them touched the pen, many of whom had no conception of the purport of the act. It is asserted, in an official report to the Department by the Indian factor at Fort Osage, that the treaty was not fairly understood by a single Osage.

Thus the trading house, which had been established gratuitously, in conformity with the earnest solicitations of the Osage Chiefs, and repeated promises of the President, was made a part of the price of the lands acquired under the treaty, by the United States. The treaty was not ratified by

the Senate till April, 1810, and the Osages complained of the delay of the payment of the first and second annuities, which did not take place till September, 1811. The trading house was broken up, by order of the Government, in 1813, and was never afterwards renewed, contrary to the expectations and wishes of the Osages, who regarded it as the only benefit, which they derived from the treaty.*

Such are the auspices, under which the first steps in the policy of a removal of the Indians from the east side of the Mississippi commenced.

About the same time, that the treaty was negotiated with the Osages, a deputation from the Cherokees was encouraged to visit Washington. Here they conferred with Mr. Jefferson, and I have obtained from the Indian bureau his *talk* to them on this subject. It is not necessary to cite it entire ; the preamble to the treaty of 1817 contains enough of the history of this transaction to show its nature. We are there told, that "in the autumn of the year 1808, a deputation from the upper and lower Cherokee towns, duly authorized by their nation, went on to the city of Washington, the first named to declare to the President of the United States their anxious desire, to engage in the pursuit of agriculture and civilized life, in the country they then occupied, and to make known to the President of the United States the impracticability of inducing the nation at large to do this, and to request the establishment of a division line, between the upper and lower towns, so as to include all the waters of the Highwassee river to the upper towns ; that by thus contracting their society, within narrower limits, they proposed to begin the establishment of fixed laws and a regular Government : The deputies from the lower towns, to make known their desire to continue the hunter life, and also the scarcity of game where they then lived, and, under those circumstances, their wish to remove across the Mississippi river, on some vacant lands of the United States."

Such was the plan, I beg it to be distinctly observed, of this policy of a voluntary removal, at its inception. Those who went, were to go for the purpose of continuing to lead the hunter's life. Those who staid, were to devote themselves to agriculture and civilization, and were to establish fixed laws and a regular Government.

The approbation of the Executive was given to the measure. Exploring parties went over, and selected a tract of country on the Arkansas and White river, to which a considerable number from the lower towns repaired. The more vigorous prosecution of the measure was probably retarded by the political condition of the United States. But, in the month of July, 1817, a treaty was negotiated at the Cherokee agency, between "Major General Andrew Jackson, Joseph M'Minn, Governor of the State of Tennessee, and General David Meriwether, commissioners plenipotentiary of the United States of America, on the one part, and the chiefs, headmen and warriors, of the Cherokee nation East of the Mississippi, and the chiefs, headmen and warriors of the Cherokee of the Arkansas river and their deputies, John D. Chisholm and James Rodgers, duly authorized by the chiefs of the Cherokees on the Arkansas river, in open council, by written power of attorney, duly signed and executed, in presence of Joseph Sevier, and William War." This treaty provided for a considerable cession of the lands of the Cherokees, east of the Mississippi. It stipulated that, during the month of June, 1813, a census should be taken of those who emigrated, and those who staid behind : it guaranteed the protection of the United States to both parties, reciting in the preamble the words of Mr. Jefferson, who declared "the United States to be the friends of both parties, and willing, as

* This account is derived from a report of Mr. Sibley, Indian factor at Fort Osage, in Long's expedition to the Rocky Mountains, Vol. II. p. 243.

' far as can be reasonably asked, to satisfy the wishes of both," and who promised, to those who should remain, "the patronage, aid, and good neighborhood" of the United States; and it provided for running the line between the portion of the territory which the Cherokees ceded, and that which they did not cede.

Such was the treaty, and it was unanimously ratified by the Senate. Among the names recorded in favor of this treaty, which was negotiated in furtherance of the purpose of the Cherokees "*to begin the establishment of fixed laws and a regular Government,*" I find the names of George M. Troup, and Charles Tait, the Senators from Georgia. This purpose having been formally avowed by the Cherokee deputation in 1808, did not, of course, have its origin, as has been stated, in 1817; and the fact I have just mentioned shows, that it received, at that time, the sanction of the Representatives of Georgia in the Senate of the United States.

Although it was the avowed purpose of the Cherokees to provide by this treaty, for a separation of their community, and to leave to those who wished to stay, a permanent home, "*fixed laws and a regular Government,*" yet the agents of the United States, under the instructions of the department, endeavored, with the severest urgency and pressure, to compel the whole nation to emigrate. For this reason, the taking of the census was delayed, contrary to the treaty which fixed the time when it should be taken, and the remonstrances of the Cherokees, and high pecuniary offers were held out to them, to consent to go *en masse*, or accept reservations, and become subjects of the States. It is painful to read the documents, which contain the history of these transactions.* After all attempts to persuade and overbear them had failed, the project for the time was abandoned, the idea of taking a census given up, and a new treaty entered into on the 27th of February, 1819, by which a further cession of land was made. In the preamble to this treaty it is set forth, that "the greater part of the Cherokee nation have expressed an earnest desire to remain on this side of the Mississippi, and being desirous, in order to commence those measures, which they deem necessary to the civilization and preservation of their nation, that the treaty between the United States and them, signed 8th of July 1817, might, without further delay or the trouble and expense of taking the census, as stipulated in said treaty, be finally adjusted, have offered to cede to the United States a tract of land at least as extensive as that, which they probably are entitled to, under its provisions."

This treaty was also unanimously ratified by the Senate, receiving in its favor the vote of Mr. Tait, the only Senator from Georgia, recorded as voting on the question.

The whole number of Cherokees, who emigrated to Arkansas, before the treaty of 1817, or pursuant to its provisions, is supposed to have been five or six thousand. They are believed to have suffered severely, for several years after their emigration. They immediately became involved in war with the Osages and other tribes of Indians, west of the river; and when a proposal was again made in 1823, to the Cherokees, under a new commission, to cede their remaining lands, and cross the river, they refused, alleging that "the unfortunate part of our nation, who have emigrated west of the Mississippi, have suffered severely since their separation from this nation, and settlement in their new country. Sickness, wars and other fatality have visited them, and lessened their numbers, and many of them, no doubt, would willingly return to the land of their nativity, if it was practicable for them to do so, without undergoing various difficulties, which would be

* Senate documents for the first session of the 18th Congress: Vol. 3, No. 63.

"almost insurmountable, in so long a journey, by men, women and children, without friends and without money."

The Commissioners appointed to make this renewed attempt in 1823, stated in writing, to the Council of the Cherokee nation, that they were happy in being afforded "an opportunity of becoming partially acquainted with several members of the Council." For the whole body, say they, "we entertain a high respect, and we trust that with some of you we have contracted individual friendships. In saying this, we do no violence to our own feelings, neither do we lower the elevated character of the United States.—People, who have never seen you, know but little of your progress in the arts of civilized life, and of the regular and becoming manner in which your affairs are conducted."

The same Commissioners, (Duncan G. Campbell and James Meriwether,) after exhibiting to the Cherokees the compact with Georgia of 1802, proceeded to say,—“By these articles you discover the rights of Georgia, and the obligations of the United States. That these rights may be fulfilled and these obligations discharged is the important object of the present mission. *The sovereignty of the country you occupy is in the United States alone: no State or foreign power can enter into a treaty with you. These privileges have passed away, and your intercourse is restricted exclusively to the United States.* In matters of cession or territory you are recognized as a contracting party.”

The Cherokees have refused to cede their lands and emigrate, for the reason in part already given, drawn from the suffering condition of their brethren in Arkansas, despatched a delegation to Washington, in 1824, to make known their determination to the Government to cede no more land. This purpose they communicated to the President and Secretary of War.—They also addressed a memorial to the House of Representatives. In this paper they say, “the Cherokees are informed on the situation of the country west of the Mississippi river. And there is not a spot out of the limits of any of the States, that they would ever consent to inhabit, because they have unequivocally determined never again to pursue the chase as heretofore, or to engage in wars, unless by the special call of the Government, to defend the common rights of the United States. As a removal to the barren waste bordering on the Rocky Mountains, where water and timber are scarcely to be seen, could be for no other object or inducement than to pursue the buffalo, and to wage war with the uncultivated Indians, in that hemisphere, imposing facts speak from the experience which has been so repeatedly realized, that such a state of things would be the result, were they to emigrate. But such an event will never take place. The Cherokees have turned their attention to the pursuits of the civilized man. Agriculture, manufactures, the mechanic arts, and education, are all in successful operation, in the nation, at this time; and whilst the Cherokees are peacefully endeavoring to enjoy the blessings of civilization and christianity, on the soil of their rightful inheritance; and whilst the exertions and labors of various religious societies of these United States are successfully engaged in promulgating to them the word of truth and life, from the sacred volume of holy writ, and under the patronage of the General Government, they are threatened with removal or extinction. This subject is now before your honorable body for a decision. We appeal to the magnanimity of the American Congress for justice, and the protection of the rights, liberties, and lives of the Cherokee people. We claim it from the United States, by the strongest obligations, imposed on them by treaties; and we expect it from them under that memorable declaration that all men are created equal; that they are endowed by their

"Creator with certain inalienable rights ; that among them are life, liberty, and the pursuit of happiness."

After this positive and solemn refusal, no further direct attempt was made to carry into execution upon the Cherokees the policy of removal.

Let us now contemplate for a moment, the situation of the Cherokees removed to the Territory of Arkansas. I have already stated, in general terms, that they were immediately involved in wars with the neighboring tribes ; and the statement above cited as to their unhappy condition, when made in 1823 by the Cherokees east of the Mississippi, as a reason for refusing to emigrate, was not controverted by the Commissioners of the United States. But the active benevolence of the friends of humanity, and the bounty of the Government, had followed them to their new abode. The missionary establishments and schools were flourishing ; and though the object for which they emigrated, that of resuming the hunter's life, seemed to be abandoned, the better object of advancing in civilization was in a course of fulfilment. Meantime, however, the population of Arkansas began to press upon, and at length it was thought necessary that they should again remove. In a letter of Rev. Mr. Washburn, from Dwight, a missionary station in Arkansas, it is stated as follows : "from the facts above detailed, it will appear, that the efforts, which have been made for the improvement of this portion of the American aboriginals have not been without important results ; and that among these results, it is not the least important, that the natives are led to place a high value upon education, to desire its general diffusion among them, and to exert themselves for the maintenance of schools. These results connected with the belief, that this part of the Cherokees were settled, where the cupidity of our own people would not be likely to disturb them, presented to our minds the cheering prospect, that they would soon exhibit to the view of the philanthropist, a most interesting spectacle, that of a people reclaimed from ignorance, barbarity, and vice, and elevated to intelligence, refinement and virtue, and surrounded with the comforts and elegancies of the useful and liberal arts. We expected soon to see their country, which was lately a wilderness, covered with fruitful fields, surrounding comfortable and convenient habitations, and store houses, and here and there decorated with edifices for literary and scientific improvement, and temples for the worship of the great and beneficent Father of all the kindred of the earth. Such, sir, were our expectations, when we received intelligence, that, by a new Convention entered into by a delegation of the Chiefs and the late Secretary of War, these poor people must again relinquish their homes, their improvements, and for a time their privileges, and seek a new residence in the wilderness."

It is true the author of this letter expresses the opinion, that this second removal will be ultimately beneficial to the Cherokees of Arkansas. He rests this opinion on the supposed security of their last retreat from further invasion, on the liberal indemnity given for their property, and on the advantageous character of the new country. But the former circumstance, as I have already stated, will infallibly lead to further encroachments. To suppose that they will be permitted long to remain unmolested is the merest dream of fancy.

Such has been the result of the experiment of finding a "permanent home" for the Cherokees, west of the Mississippi. The next experiment on the Southern Indians was made upon the Choctaws. Here, too, it was necessary to begin by clearing the way.

As there was no territory suitable for the purpose, to which the title had been extinguished, West of the Mississippi, it was deemed to be expedient to remove the Quapaws, a tribe occupying the Southern part of Arkansas.

This tribe, otherwise known as the Arkansas, or Osarks, had been distinguished, in the annals of the natives of America, for their fine physical qualities, and mild, but warlike temper. They were kindred with the Osages, and, like them, hereditary foes of their neighbors East of the Mississippi. At the period when the policy of the United States was brought to bear upon them, they had sunk into weakness, and found in us a protector, who pressed that weakness to the dust. In the general statement of the Indian tribes of the United States, which was made by Governors Cass and Clark, they are called an "unfortunate" people. And with good reason. In 1818 a treaty was concluded at St. Louis, by which the Quapaws ceded a very large tract of country occupied by them, South of Arkansas river, with some considerable reservations. For this they were paid about four thousand dollars, and the amount ceded was over twenty-nine millions of acres. They reserved about one million five hundred thousand acres to themselves. By the fourth article, they were to be protected from all intrusion. That article provided that "no citizen of the United States, or any other person, shall be permitted to settle on any of the lands hereby allotted to and reserved for the said Quapaw tribe or nation, to live and hunt on." A stipulation, of which we shall presently see the value.

Having thus prepared a country to which they could be removed, in 1820, the treaty of Doak's Stand was negotiated, between the whole Choctaw nation and General Jackson and General Blinds, by which that tribe ceded a large tract of land in the interior of the State of Mississippi, and received in exchange an extensive and valuable tract, south of the Arkansas. The motive of the cession was, in the preamble to the treaty, expressed in the following terms: "Whereas, it is an important object with the President of the U. States to promote the civilization of the Choctaw Indians, by the establishment of schools among them, and to perpetuate them as a nation, by exchanging, for a small part of their land here, a country beyond the Mississippi river, where all who live by hunting, and will not work, may be collected and settled together," &c.

The seventh article provided for the sale of fifty-four sections of land, one mile square, out of the land ceded, to be applied for the support of Choctaw schools, on either side of the Mississippi; and the fourth article expressly stipulated that "the boundaries hereby established between the Choctaw Indians and the United States, on this side of the Mississippi river, shall remain, without alteration, until the period at which said Nation shall become so civilized and enlightened as to be made citizens of the United States, and Congress shall lay off a limited parcel of land for the benefit of each family or individual in the nation."

Very few Choctaws have crossed the Mississippi, in consequence of this treaty, and those mostly fugitives. The regular support of an agency, in the new country, is the most tangible result of the arrangement. The Choctaws were in a state of hereditary hostility with the Osages, whose hunting range extended to the tract ceded to them, and this circumstance may have prevented their going over the river.

I have already stated that a cession of territory was obtained from the Quapaws, to be given to the Choctaws, in exchange for a portion of their lands East of the Mississippi, and that, at the same time, a considerable reservation was made for the Quapaws. It was expressly stipulated that this reservation should not be intruded on. In 1824, however, this reserved tract was taken from them, in consideration of a certain sum of money paid to the Chiefs, and an increase of the annuity to the Nation, and it was provided, in the 4th article of the treaty, that "the Quapaw tribe of Indians will hereafter be concentrated and confined to the district of country inhabited by the Caddo Indians, and form a part of said tribe."

This junction of the Quapaws with the Caddos, was made without the previous consent of the latter. It became necessary, to "disencumber the Caddo lands of squatters," to receive the new comers. The Indian tribes thus thrown together, speak language totally different. The Quapaws would not leave their reservation, till told that they could be allowed to stay no longer, and arrived, in a starving condition, at their new home, although removed and supported by the United States. On their arrival, the agent writes to the Secretary of War, that he was "fearful the Quapaws will be very troublesome to the white settlements, this Summer, owing to their being destitute of provisions, and, of course, must be in a starving condition shortly, and being in a strange country, *where game is very scarce*. Corn is now selling on Red River at one dollar and twenty five cents per bushel, and scarce." The accounts of the next year represent them as being in a better condition; but, at a still later date, they are said to have wandered back, in part, to their former seats. They are an unhappy remnant, likely soon to be wholly consumed, by these capricious changes.

Fortunately for the Choctaws, they were in no haste to remove to their new permanent home in Arkansas. In 1825, it was found that the convenience of the settlements in Arkansas required the retrocession, to the United States, of a portion of the land ceded to the Choctaws, at Doak's Stand. This retrocession was accordingly made; a new boundary on the West, was established, for the territory of Arkensas, and the white settlers found beyond it were removed by force. Precisely such a series of removals, from one permanent home to another permanent home, has taken place with the tribes of North-western Indians; but I forbear to go into the detail. I have said enough to show the vanity of the lure of permanence, which has been, and is held out, to tempt the Indians to the Western district.

The Cherokee treaties of 1817 and 1819, and the Choctaw treaty of Doak's Stand, appeared to be all that was effectually done toward the voluntary removal of the Southern tribes. An abortive attempt, to which I have alluded, was made on the Cherokees, in 1823, and another upon the Creeks in 1824. In the Winter of 1825, and in the last year of his administration, Mr Monroe, in a message to Congress, proposed a general plan for the removal and embodying, beyond the Mississippi, of all the tribes of Indians, fixed within the States. Nothing was farther from the contemplation of Mr. Monroe, than the attainment of this measure, by the compulsory action of State laws. In pursuance of the policy recommended by him, a bill was passed in the Senate, of which the substantial features have been already referred to.

Simultaneously with these movements at Washington, the treaty of the Indian Springs was negotiated, in Georgia, with a small party of the Creek Nation, assuming to act for the tribe. By this treaty, it was stipulated, that, for their lands ceded, the Creeks should receive acre for acre of land between the Arkansas and Canadian Fork. It is unnecessary to repeat the painful history of this treaty. It was superseded by that of Washington, of the following year, in which a similar provision was contained for the removal of those desirous of going. Parties went forward to explore the country, and two bands of emigrants one of 1200, and the other of 1300, have crossed the Mississippi.

In the year 1826 a vigorous effort was made to negotiate a treaty of cession with the Choctaws and Chickasaws. Generals Clark, Hinds, and Coffee, were the commissioners on the part of the United States. To their urgent representations of the expediency of the removal, and of the strong desire which the United States felt, that the Choctaws would consent to go, the following objections were stated by the Choctaw Chiefs:

"It would be needless to enter into the various reasons which have determined us to decline the acceptance of your proposal.

"It is sufficient that this is the land of our birth, and that, when once sold, it could not be recovered. It is a sure asylum for our infirm and aged countrymen, where surrounded by their offspring, and among the plains, and the hills, and the streams of their youth, they might pass the remnant of their days in peace; and where, if undisturbed, we may all remain as prosperous and happy as in any other country. Here our forefathers have lived; here we wish to live; and, when we die, let our bones be laid by the side of those of our kindred. Why should we sell? Why seek new homes, when we are living here in peace, and, to such as are reasonably industrious, in plenty? But it is urged, that the game is gone, and that those who live by hunting alone are suffering. For all such, a country is provided. Six years ago we sold a large scope of our country here, for lands west of the Mississippi. Let those who wish to live by hunting, go there. Ample provision is made for all such, by the treaty of Doak's Stand, and all are free to go who wish it. But those of us, who cultivate the earth, will remain here." Alluding in another letter to the repeated cessions demanded of them, the Chiefs say: "By the treaty of Doak's Stand, lands were given us west of the Mississippi; and here again we were assailed by propositions to purchase back a portion of the country just ceded to us. We listened to our father, the President. We sent a deputation of head men to the City of Washington, who ceded back several millions of acres, for the benefit of Arkansas. Again, last Winter, another proposition was sent to the nation, requesting that we should cede back a further portion of our lands west of the Mississippi; and, finally, we are now urged to sell all, or a portion, of our country here. Where shall we stop? Where shall we find a resting place? We ought to be permitted at least to breathe awhile and look around us."

Failing in their attempts with the Choctaws, the same commissioners, entered into treaty with the Chickasaws, but with like want of success. Among other objections urged by the Chickasaw Chiefs, the following is founded in reason and truth: "Friends and brothers, we know that our white brothers are crowding on us daily, which we know is not just.— We further consider that there is a number of nations west of the Mississippi that have been enemies to us, as well as to our white brothers. It would be as much impossible to unite us with them, as it would to unite oil and water; and we have every reason to believe that those tribes that have left their country are not well satisfied; and if that should be the case, we are fearful that those tribes will take satisfaction of us, for injuries done by us, as well as our white brothers. We are a small tribe, and unable to defend our rights in any country."

The following year a tour was made to the Southern tribes by the officer at the head of the Bureau of Indian Affairs, under the direction of the Secretary of War, and further attempts made by him to induce the Choctaws and Chickasaws to consent to remove. His efforts were limited to persuading them to send a party to visit the country west of Arkansas; and a provisional consent was obtained of the Chickasaws, that, if the country pleased them, and could be delivered to them unincumbered by any population, and guaranteed to them forever, they would remove to it. Other conditions also were attached to this provisional consent, such as that all their houses, mills, fences, workshops, and orchards, should be replaced by others, as good in the new country.

Of the sort of argument by which their slow consent to these terms was obtained, the following specimen will enable the House to form an opinion;

"Brothers: It is said, since you did not agree to the proposals of the commissioners, that you are a self-willed and obstinate People; I do not believe it; but many people who do not know you as well as I do, may incline to think this is true. This, as far as it may be believed, will lessen the number of your friends, and these are few—you have none to spare!"

After repeating in the most urgent terms the request that they would agree to send a party of exploration, this officer adds: "If you do not, I shall still fear, *for the storm about Indian lands is terrible indeed!* I wish to screen you from it."

In pursuance of the arrangements made by Colonel McKenney, a party of Chickasaws and Choctaws visited the country west of Arkansas, in company with Mr. McCoy. Of the result of this visit, I shall ask permission, before I sit down, to say a few words.

Such, sir, are a few of the facts relative to this policy of removal applied to the Southern Indians. It has proved utterly abortive, so long as it was conducted on the only rightful and equitable principle, that of the free consent of the Indians. It is *because* their free consent could not be obtained; it is *because* it is well known that voluntarily they would never go, that the States have extended over them a coercive legislation, under which it is avowed that they cannot and will not live; and now we are asked to furnish the means to effect their *voluntary* removal.

As for the idea that this retreat west of the Mississippi is to be a safe and undisturbed abode, the facts to which I have alluded, show that it is a mere mockery. We see one unfortunate remnant driven from a reservation which six years before had been spared to them out of a vast territory, and on the condition that their reservation should not be intruded on. We see the Choctaws assailed by a demand for more lands at the same time on both sides of the river. They are to give up on the east side, and give back on the west side, after both sides had been guaranteed to them by all the sanctions of the Government. The Cherokees are enticed into Arkansas, with the assurance that the protection of the United States should follow them there. Here they are to have a permanent home. Here the arm of the white man shall not be long enough to reach them. In a few years the advanced guard of your population is upon them; their flank is turned, their rear is cut off. The Territory of Arkansas, *in which there is an estimated population of one to the square mile*, is sadly crowded; there is no room for the Indians; they must leave their settlements, just beginning to thrive, their houses, their farms, their schools and churches, and remove beyond the frontier, to a new permanent home. Two parties of Creeks have followed the example, and gone to their permanent home on lands just allotted to the Choctaws and Cherokees. It will probably be among their first occupations to fight for their title to this land of refuge; particularly when seventy five thousand recruits come pouring in, (driven forward by "a few troops," who, we are told, will be needed to aid in this voluntary removal,) and who are to find their permanent home in the wilderness already granted away.

Sir, if you really do carry out this policy, its wretched objects will indeed come to a permanent home, in its execution, of a nature different from that you profess to contemplate. You will soon drive them up to that bourne from which neither emigrant nor traveller returns.

This is the effect, whatever be the provisions of the bill. But let us, Mr Speaker, contemplate it more closely. What is, in the general, necessary character of a measure like this a forced removal of whole tribes of Indians from their native districts to a distant wilderness. I will give it, sir, not in my own language, but in that of the President of the United States at the commencement of the session:

"The condition and ulterior destiny of the Indian tribes within the limits of some of our States, have become objects of much interest and importance. It has long been the policy of Government to introduce among them the arts of civilization, in the hope of gradually reclaiming them from a wandering life. *This policy has, however, been coupled with another wholly incompatible with its success.* Professing a desire to civilize and settle them, we have, at the same time, lost no opportunity to purchase their lands, and thrust them further into the wilderness. By this means they have not only been kept in a wandering state, but been led to look on us as unjust and indifferent to their fate. Thus, though lavish in its expenditures upon the subject, Government has constantly defeated its own policy; and the Indians, in general, receding further and further to the west, have retained their savage habits. A portion, however, of the Southern tribes having mingled much with the whites, and made some progress in the arts of civilized life, have lately attempted to erect an independent Government within the limits of Georgia and Alabama. These States claiming to be the only sovereigns within their territories, extended their laws over the Indians, which induced the latter to call upon the United States for protection."

Such is the President's view of the effect of removing Indians westward. Those who have been removed, have been kept wandering and savage. Some who have staid, have made great progress in civilization; but having undertaken "the establishment of fixed laws and a permanent Government," agreeably to the provisions of a treaty negotiated with them by the President himself, and approved by the Georgia Senators, that State has extended laws over them which will have the effect of driving them into the wilderness, and against these laws the President cannot protect them. One scarce believes, that it is in this way, that a project for a general sweeping removal of all the Indians against their will, to the distant wilderness, is to be introduced to our favorable notice.

Let us view this subject, sir, in a practical light. Let us not talk of it by a name, but consider it as a thing. What sort of a process is it when actually gone through, this removal to the distant wilderness? The people whom we are to remove, are Indians it is true, but let us not be deluded by names. We are legislating on the fate of men dependent on us for their salvation or their ruin. They are Indians, but they are not all savages; they are not any of them savages. They are not wild hunters. They are, at least some of the Southern Indians are, *a civilized people*. They have not, in all their tribes, purged off every relic of barbarism, but they are essentially a civilized people. They are civilized, not in the same degree that we are, but in the same way that we are. I am well informed, that there is probably not a single Cherokee family that subsists exclusively in the ancient savage mode. Each family has its little farm, and derives a part at least of its support, from agriculture or some other branch of civilized industry. Are such men savages? Are such men proper persons to be driven from home, and sent to hunt Buffalo in the distant wilderness? They are planters and farmers, trades-people, and mechanics. They have cornfields and orchards, looms and workshops, schools and churches, and orderly institutions. Sir, the political communities of a large portion of civilized and Christian Europe might well be proud to exhibit such a tale of statistics as I will read you.

[Here Mr. EVERETT read the following table:]

"A STATISTICAL TABLE exhibiting the Population of the Cherokee Nation, as enumerated in 1824, agreeably to a resolution of the Legislative Council; also, of Property, &c. as stated.

| | | | | | | | | |
|---|---|---|---|---|---|---|-----|---------|
| Population | - | - | - | - | - | - | - | 15,560 |
| Male Negroes | - | - | - | - | - | - | 610 | } 1,277 |
| Female Negroes | - | - | - | - | - | - | 667 | |
| Grand Total of Males and Females | - | - | - | - | - | - | - | 13,783 |
| Total number of Females | - | - | - | - | - | - | - | 6,900 |
| Females over 40 years of age | - | - | - | - | - | - | - | 782 |
| Females from 15 to 40 years | - | - | - | - | - | - | - | 3,108 |
| Females under 15 years of age | - | - | - | - | - | - | - | 3,010 |
| Total number of Males | - | - | - | - | - | - | - | 6,883 |
| Males over 59 years of age | - | - | - | - | - | - | - | 352 |
| Males from 18 to 59 years of age | - | - | - | - | - | - | - | 3,027 |
| Males under 18 years of age | - | - | - | - | - | - | - | 3,054 |
| Add for those who have since removed into the nation from North Carolina, who were living in that State on reservations | - | - | - | - | - | - | - | 500 |

"REMARKS.

"There are one hundred and forty seven white men married to Cherokee women, and sixty eight Cherokee men married to white women.

"There are 18 schools in the nation, and 314 scholars of both sexes, 36 grist mills, 13 saw mills, 762 looms, 2,486 spinning wheels, 172 wagons, 2,923 ploughs, 7,683 horses, 22,531 black cattle, 46,732 swine, 2,566 sheep, 430 goats, 62 blacksmith's shops, 9 stores, 2 tan yards, and 1 powder mill, besides many other items not enumerated; and there are several public roads, and ferries and turnpikes, in the nation."

These, sir, are your barbarians; these are your savages; these your hunters, whom you are going to expel from their homes, and send out to the pathless prairies of the West, there to pursue the Buffalo as he ranges periodically from south to north, and from north to south; and you will do it for their good!

But I shall be told, perhaps, that the Cherokees are more advanced than their red brethren in civilization. They may be so, but to a less extent, I imagine than is generally thought. What is the condition of the Choctaws? I quote a letter from one of the missionaries to that tribe, communicated to the Senate, by the Department of War, during the present Session. After stating that a very great and general reformation of the vice of intemperance had, within a few years, taken place, Mr. Kingsbury proceeds:

"The result of a census taken in 1828, in the north-east district, was as follows, viz: population, 5627; neat cattle, 11,661; horses, 3974; oxen, 112; hogs, 22,047; sheep, 136; spinning wheels, 530; looms, 124; ploughs, 360; wagons, 32; blacksmith's shops, 7; coopers' shops, 2; carpenters' shops, 2; white men with Choctaw families, 22; schools, 5; scholars in the course of instruction, about 150. In one clan, with a population of 313, who eight years ago were almost entirely destitute of property, grossly intemperate, and roaming from place to place, there are now 168 horses, 511 cattle, 853 hogs, 7 looms, 68 spinning wheels, 35 ploughs, 6 oxen, 1 school, and 20 or 24 scholars.*

"Another evidence of the progress of improvement among the Choctaws is the organization of a civil government. In 1826 a general council was convened, at which the constitution was adopted, and legislative powers were delegated to a national committee and council, whose acts, when

*This is but the return of one district, probably less than a third of the nation.

"approved by the chiefs, became the supreme laws of the land. I have now before me, a manuscript code, containing 22 laws, which have been enacted by the constituted authorities, and, so far as I know, carried into complete execution. Among the subjects embraced by these laws, are theft, murder, infanticide, marriage, polygamy, the making of wills, and settling of estates, trespass, false testimony, what shall be considered lawful enclosures around fields, &c.

"A great desire for the education of their children, furnishes another proof of the advancement of the Choctaws. Petitions are frequently made, requesting the establishment of new schools. Numbers more have applied for admission to the boarding schools than could be received.—Nothing is now wanting but suitable persons and adequate means to extend the advantages of education to all parts of the Choctaw nation.

"The preaching of the Gospel has, within the two past years, been attended with very happy effects. To its influence must be ascribed much of that impulse, which has recently been given to the progress of civilization, in the more favored parts of the nation. The light which the Gospel has diffused and the moral principles it has imparted to the adult Choctaws, have laid a foundation for stability and permanency in their improvements. In this district, eighty two natives, principally heads of families, are members of the church. All these, with one exception, have maintained a consistent Christian character, and would do honour to any Christian community."

Nor is the condition of the ~~Choctaws~~ ^{Christians over} less advanced and improving. From the official return of Colonel M'Kenney, it appears that their numbers are but about four thousand. They are estimated by him, to possess eight hundred houses of an average value of one hundred and fifty dollars, with some that must have cost one or two thousand. He supposes them to have 10 mills, 50 workshops, enclosures of fields to the value of fifty thousand dollars; and an average of stock to each, of 2 horses, 2 cows, 5 hogs, and a dozen of poultry.

I know, sir, that there is in the same document on the civilization of the Indians, communicated to the Senate, (meagre at the best, compared with the ample materials for such a document, in possession of the Department) a letter, which tells you, that the Choctaws, except where the schools are, and where the half breeds live, are, in every sense of the word, genuine Indians. No general improvement in any thing appears to pervade the country. I will rely more on this expression of opinion, when I am better informed of the disinterestedness of its source.

Such are the people we are going to remove from their homes: people, living as we do, by husbandry, and the mechanic arts, and the industrious trades; and so much the more interesting, as they present the experiment of a people rising from barbarity, into civilization. We are going to remove them from these their homes, to a distant wilderness. Whoever heard of such a thing before? Whoever read of such a project? Ten or fifteen thousand families, to be rooted up, and carried hundreds, ay, a thousand of miles into the wilderness! There is not such a thing in the annals of mankind. It was the practice—the barbarous and truly savage practice—of the polished nations of antiquity to bring home a part of the population of conquered countries, as slaves. It was a cruel exercise of the rights of the conqueror, as then understood, and in turn practised, by all nations.—But in time of peace, toward unoffending communities, subject to our sovereignty indeed, but possessing rights guaranteed to them, by more than one hundred treaties, to remove them, against their will, by thousands, to a distant and a different country, where they must lead a new life, and form other habits, and encounter the perils and hardships of a wilderness: Sir, I never

heard of such a thing; it is an experiment on human life and human happiness of perilous novelty. Gentlemen, who favor the project, cannot have viewed it as it is. They think of a march of Indian warriors, penetrating with their accustomed vigor, the forest or the cane brake—they think of the youthful Indian hunter, going forth exultingly to the chase. Sir, it is no such thing. This is all past; it is matter of distant tradition, and poetical fancy. They have nothing now left of the Indian, but his social and political inferiority. They are to go in families, the old and the young, wives and children, the feeble, the sick. And how are they to go? Not in luxurious carriages; they are poor. Not in stage coaches; they go to a region where there are none. Not even in wagons, nor on horseback, for they are to go in the least expensive manner possible. They are to go on foot: nay, they are to be driven by contract. The price has been reduced, and is still further to be reduced, and it is to be reduced, by sending them by contract. It is to be screwed down to the least farthing, to eight dollars per head.—A community of civilized people, of all ages, sexes and conditions of bodily health, are to be dragged hundreds of miles, over mountains, rivers, and deserts, where there are no roads, no bridges, no habitations, and this is to be done for eight dollars a head; and done by contract. The question is to be, what is the least for which you will take so many hundred families, averaging so many infirm old men, so many little children, so many lame, feeble and sick? What will you contract for? The imagination sickens at the thought of what will happen to a company of these emigrants, which may prove less strong, less able to pursue the journey than was anticipated.—Will the contractor stop for the old man to rest, for the sick to get well; for the fainting women and children to revive? He will not; he cannot afford to. And this process is to be extended to every family, in a population of seventy-five thousand souls. This is what we call the removal of the Indians!

It is very easy to talk of this subject, reposing on these luxurious chairs, and protected by these massy walls, and this gorgeous canopy, from the power of the elements. *Removal* is a soft word, and words are delusive.—But let gentlemen take the matter home to themselves and their neighbors. There are 75,000 Indians to be removed. This is not less than the population of two congressional districts. We are going, then, to take a population of Indians, of families, who live as we do in houses, work as we do in the field or the workshop, at the plough and the loom, who are governed as we are by laws, who send their children to school, and who attend themselves on the ministry of the Christian faith, to march them from their homes, and put them down in a remote unexplored desert. *We* are going to do it—this Congress is going to do it—this is a bill to do it. Now let any gentleman think how he would stand, were he to go home and tell his constituents, that they were to be removed, whole counties of them—they must fly before the wrath of insupportable laws—they must go to the distant desert, beyond Arkansas—go for eight dollars a head, by contract—that this was the policy of the Government—that the bill had passed—the money was voted—you had voted for it—and go they must.

Is the case any the less strong, because it applies to these poor unrepresented tribes, "who have no friends to spare?" If they have rights, are not those rights sacred—as sacred as ours—as sacred as the rights of any congressional district? Are there two kinds of rights, rights of the strong, which you respect because you must, and rights of the weak, on which you trample, because you dare? I ask gentlemen again to think what this measure is, not what it is called. To reflect on the reception it would meet with, if proposed to those who are able to make their wishes respected, and especially if proposed to them for *their good*. Why, sir, if you were to go

to the least favored district in the Union—the poorest soil—the severest climate—the most unhealthy region, and ask them thus to remove, were it put to the next State, they would not listen to you; they would not stir an inch. But to take up hundreds and thousands of families, to carry them off unmeasured distances, and scatter them over a wilderness unknown to civilized man,—they would think you insane to name it!

What sort of a region these unhappy tribes are to be removed to, I will presently inquire. Let us see what sort of a region they are to leave.

And now, sir, I am going to quote an account, which I candidly admit to be in all likelihood over stated. It proceeds from a patriotic native pen, and who can rest within the limits of exact reality, in describing the merits of a beloved native land? I believe it a little colored, but the elements of truth are there. It is plain from the circumstance and detail that it is substantially correct. At any rate, since I have been a member of Congress, it has been twice, and I believe three times communicated, from the War Department, as official information. It is from a letter written by David Brown, a native Cherokee, of mixed blood, dated Willstown, (Cherokee Nation,) September 2, 1825.

"The Cherokee nation, you know, is in about 35 degrees north latitude; bounded on the north and west by the State of Tennessee; on the south by Alabama, and on the east by Georgia and N. Carolina. This country is well watered; abundant springs of pure water are found in every part. A range of majestic and lofty mountains stretch themselves across the nation. The northern part of the nation is hilly and mountainous. In the southern and western parts, there are extensive and fertile plains, covered partly with tall trees, through which beautiful streams of water glide. These plains furnish immense pasturage, and numberless herds of cattle are dispersed over them. Horses are plenty, and are used for servile purposes. Numerous flocks of sheep, goats, and swine, cover the valleys and hills. On Tennessee, Ustanala, and Canasagi rivers, Cherokee commerce floats. The climate is delicious and healthy; the winters are mild. The spring clothes the ground with its richest scenery. Cherokee flowers, of exquisite beauty and variegated hues, meet and fascinate the eye in every direction. In the plains and valleys, the soil is generally rich; producing Indian corn, cotton, tobacco, wheat, oats, indigo, sweet and Irish potatoes. The natives carry on considerable trade with the adjoining States; and some of them export cotton in boats, down the Tennessee, to the Mississippi, and down that river to New Orleans. Apple and peach orchards are quite common, and gardens are cultivated, and much attention paid to them. Butter and cheese are seen on Cherokee tables. There are many public roads in the nation, and houses of entertainment kept by natives. Numerous and flourishing villages are seen in every section of the country. Cotton and woollen cloths are manufactured here. Blankets of various dimensions, manufactured by Cherokee hands are very common. Almost every family in the nation grows cotton for its own consumption. Industry and commercial enterprise are extending themselves in every part. Nearly all the merchants in the nation are native Cherokees. Agricultural pursuits, (the most solid foundation of our national prosperity,) engage the chief attention of the people. Different branches in mechanics are pursued.—The population is rapidly increasing."

Such is the land, which at least one large community of these Indians are to leave. Is it not too much for human nature to bear, that unoffending tribes, for no alleged crime, in profound peace, should be rooted up from their hereditary settlement, in such a land, and hurried off to such an one as I shall presently show to the House?

Sir, they are attached to it; it is their own, and though by your subtleties of state logic, you make it out that it is not their own, they think it is, they love it as their own. It is the seat of their council fires, not always illegal, as your State laws now call them. The time has been, and that not very distant, when had the King of France, or of Spain, or of England talked of its being illegal for the Choctaws or the Cherokees to meet at their council fire, they would have answered "come and prevent us." It is the soil in which are gathered the bones of their fathers. This idea, and the importance attached to it by the Indians, has been held up to derision, by one of the officers of the Government. He has told the Indians that "the bones of their fathers cannot benefit them, stay where they are, as long as they may." I touch with regret on that, upon which the gentleman from New York has laid his heavy hand. I have no unkind feeling towards the individual who has unadvisedly made this suggestion. But the truth is, this is the very point on which the Indian race—sensitive on all points—is most peculiarly alive. It is proverbial. Governors Cass and Clarke, in their official report the last winter, tell you, that "we will not sell the spot which contains the bones of our fathers," is almost always the first answer to a proposition for a sale. The mysterious mounds which are seen in different parts of the country, the places of sepulture for tribes that have disappeared, are objects of reverence to the remnants of such tribes, as long as any such remain. Mr. Jefferson, in his notes on Virginia, tells you of such a case. Unknown Indians came through the country, by a path known to themselves, through the woods, to visit a mound in his neighborhood. Who they were, no one knew, or whence they came, nor what was the tribe to whose ashes they had made their pilgrimage. It is well known that there are tribes who celebrate the great feast of the dead; an awful but affecting commemoration. They gather up the bones of all who have died since the last return of the festival, cleanse them from their impurities, collect them in a new deposit, and cover them again with the sod. Shall we, in the complacency of our superior light, look without indulgence on the pious weakness of these children of nature? Shall we tell them that the bones of their fathers, which they visit after the lapse of ages, which they cherish, though clothed in corruption, can do them no good? It is as false in philosophy, as in taste. The man who reverences the ashes of his fathers—who hopes that posterity will reverence his, is bound, by one more tie, to the discharge of social duty.

Now, Sir, whither are these Indians, when they are removed, to go? I confess I am less informed than I could wish. I thank the gentleman from Pennsylvania [Mr. Hemphill] for his amendment. It does credit to his sagacity. It is just what is wanted. I say, we all want information. We are going, in a very high-handed way, to throw these Indians into the Western wilderness. I call upon every gentleman, who intends to vote for the bill, to ask himself, if he has any satisfactory information as to the character of that region. I say it is a *terra incognita*. It has been crossed, but not explored. No one knows its recesses, but the wild Indians who hunt over it. I have made some notes of this country, however, with which I will trouble the House:

"In regard to this extensive section of country, (between the Meridian of the Council Bluffs and the Rocky Mountains) we do not hesitate in giving the opinion that it is almost wholly unfit for cultivation, and of course uninhabitable by a people depending upon agriculture for their subsistence. Although tracts of fertile land, considerably extensive, are occa-

† Proceedings of the Indian Board, in the City of New-York, with Col. M'Kenney's Address, page 42.

"sionally to be met with, yet, the scarcity of wood and water, almost uniformly prevalent, will form an insuperable obstacle in the way of settling the country. This objection rests, not only on the immediate section under consideration, but applies, with equal propriety, to a much larger portion of the country—[North and South.] The whole of this region seems peculiarly adapted as a range for buffaloes, wild goats, and other wild game, incalculable multitudes of which find ample pasturage and subsistence upon it.—*Long, vol. II, page 361.*" And shall we send men, who have been brought up in the corn field, the workshop, and at the loom, to hunt buffalo, and wild goats, in this uninhabitable desert?

Mr. Nuttall, an exceedingly intelligent and scientific traveller, who visited this country in 1819, thus speaks of a portion of it:

"To give my reader some idea of the laborious exertions which these people make to obtain a livelihood, I need only relate, that the Osages had now returned to their village from a tallow hunt, in which they have travelled not less than three hundred miles up the Arkansas, and had crossed the saline plains, situated between that river and the Canadian.—In this hunt, they say that ten villages of themselves and friends (as the Kansas, who speak nearly the same language, are called,) joined, for common safety. They were, however, attacked by a small scout of the Pawnees, and lost one of their young men, who was much esteemed, and, as I myself witnessed, distractingly lamented by the father, of whom he was the only son. They say the country through which they passed is so destitute of timber, that they had to carry along their tent poles, and to make fire of the bison ordure."—*Page 182.*

Sir, the gentleman from Ohio, the other day, moved a resolution, asking for information on this subject. The House felt that it wanted the information: his resolution was adopted. And what did we get in reply?—*Twenty-two lines*, from a letter written by Governor Clark, five years ago, and he had never seen the country, to which the title of the Osages and Kansas had, when he wrote the letter, just been extinguished. This is the official information, which is to guide us in deciding the fate of thousands and tens of thousands of fellow-beings! Then we have the testimony of Mr. McCoy. He saw the country. But how much did he see of it?—how far did he go Westward? Forty-eight miles only. He admits that the land is good only for two hundred miles West from Arkansas; and three quarters of this he took on trust, for he went only forty-eight miles into it, in a Westerly direction. Is this an exploration on which we can depend—a hasty excursion, for a few miles, into the district, to which we are to transplant the Indians? Sir, it would do to write a paragraph upon, in a newspaper; it would serve as a voucher for an article in a gazetteer. But, good Heavens! will this warrant us in taking up dependent tribes of fellow beings from their homes, and marching them, at a venture, into this remote desert, upon the borders of which an agent had just set his foot? From the time that Mr. McCoy left Saint Louis, till he got back there were just *sixty-two days*. His description is as follows; and I quote the passage, because it contains the strength of his recommendation:

"I may not be so fortunate as to meet with many who concur with me in opinion relative to the country under consideration, (I mean the whole described in our remarks) yet, I hesitate not to pronounce it, in my estimation, very good, and well adapted to the purposes of Indian settlements. I think I risk nothing in supposing that no State or Territory in the Union embraces a tract, of equal extent and fertility, so little broken by lands, not tillable, to that lying South of Kansas and on the upper branches of Osage and Neosho, the extent of which I have not been able to ascertain. This country also has its defects, the greatest of which is the scarcity of

"timber; but, by a judicious division among the inhabitants, of woodland and prairie, there will be found a sufficiency of the former, in connexion with coal, to answer the purpose in question with *tolerable convenience*."

Again. "The greatest defect in this country, (and I am sorry it is of so serious a character,) is the scarcity of timber. If fields be made in the timbered land, which most persons, who have been accustomed to timbered countries, are inclined to do, the Indians more especially, because of ten unprepared with teams for breaking prairie, timber will soon become too scarce to sustain the population, which the plan under consideration contemplates. I trust that I need offer no apology for supposing that measures ought to be adopted immediately, for marking off to each settler, or class of settlers, the amount of timbered land really necessary for their use, severally, and no more. The timber generally is so happily distributed, in streaks and groves, that each farm may be allowed the amount of timber requisite, and then extend back into the prairie for quantity. The prairies being almost universally rich, and well situated for cultivation, afford uncommon facilities for the operation of such a method. By pursuing this plan, wood, after a few years, will increase in quantity annually, in proportion as the grazing of stock and the interests of the inhabitants shall check the burning of those prairies. These regulations, essential to the future prosperity of the territory, cannot be made without the existence of the superintendency of which I speak. Let it be said that the country within such and such boundaries shall be given to the Indians, for the purpose under consideration. Next establish such a course of things as will render it possible to make a fair distribution of it among its inhabitants, in view of their numbers and circumstances, and which will secure to them the possibility of future prosperity."

I believe, Sir, that Mr. McCoy is a very worthy and benevolent person.—Having been connected with a mission to some Northwestern band of Indians, which has been nearly or quite broken up by the encroachments of whites, he appears to have considered *removal* as the greatest good for all Indians, under all circumstances. While the Indians, whom he conducted, were evidently dissatisfied with the country, he makes the best of it. He was there a very short time, and penetrated a short distance, but tells us "the prairies are *almost universally* rich," and that even the single farms can be laid off with a patch of woodland. He could not possibly know this to be true. He saw as much of this country as a traveller would see of Pennsylvania, Maryland and Virginia, who should go by the straightest road from Philadelphia to Harper's Ferry, and thence back to Washington. This region is said to be six hundred miles long and two hundred and fifty broad. Mr. McCoy's whole line of march within it, going and returning, was about four hundred miles.

As for the project of settling each Indian family by a Government superintendency; persuading them to spare the wood; counting out such a number of trees as is absolutely necessary; and thus making provision "for the possibility of future prosperity," and for "*tolerable convenience*," in respect to fuel, it defies gravity. The wildest delusions, by which waste lands in distant countries are puffed off by jobbers, do not go beyond this. One coarse fact, like that which I have already cited from Mr. Nuttall, showing the wretched shifts to which the Osages were put for fuel, is worth a volume of those well meaning speculations on the providence, thrift, and foresight, of the Indians, in husbanding their timber. This incontestible want of timber in the region in question, would make it uninhabitable to the thriftiest people on earth. Sir, mere benevolence, piety, and zeal, do not qualify a person to promulgate opinions, which are to affect the well-being and lives of thousands of fellow men. You tell an Indian, shivering in the winter, over

the wretched substitute for fuel, which Mr. Nuttall describes, that there is a "possibility," some years hence, of his having wood enough to enable him to get along with "tolerable convenience," if he is very provident in the meantime!

What are the Indians to do, after they get there? The original plan of going over the Mississippi was to find ample range for the chase. That object was sanctioned by Mr. Jefferson, in 1808, when proposed by the emigrating portion of the Cherokees. It now seems abandoned; and we are told of raising their character, of putting them on an equality with ourselves, and fixing them in snug farms of so much woodland and so much prairie. Can they pursue their accustomed occupations, in this new region? Can any man, on his responsibility say, they will find wood and water, and soil, and access to market, and convenience of navigation, like what they have left? No man can say it. What does experience teach? The Cherokees in Arkansas, after encountering great hardships, were doing well, and after ten years residence have been pushed further westward. A lavish expenditure by the Government, and the untiring benevolence of the pious and liberal, has re-established them in seeming comfort; but the result is yet to be seen. We are already threatened with a general Indian war on the frontier. But the case of the Cherokees of Arkansas, is the only one, which is not a deplorable failure. What says General Clark, writing to the Department, 10th December, 1827. "I must request you to draw the attention of the Secretary of War, to the moving or emigrating Indians, who are continually coming on to this side of the Mississippi. Those that have come on, and not permanently settled, (many of them) are scattered for the purpose of procuring subsistence; and frequent complaints are made against them by the white people, and considerable expense incurred in reconciling the difficulties."

This "scattering to procure subsistence," (leading to complaints, by the whites, and expense in reconciling difficulties,) I take to be a periphrasis for *roving about, begging and stealing*. Again: "The tribes on this side of the Mississippi, are wretched, and moving from place to place. I have just heard that the several scattering bands, who resided near Fort Towson, have moved near Alexandria, on the Red River."

"It will be necessary, that authority be given, as soon as possible, to exchange lands with the Delawares, Kickapoos, Shawnees, Piankishaws, &c. and settle them on the Kansas river. And it is also necessary, that some assistance should be given to remove them there; and when there, to assist them in preparing the earth for cultivation, and provisions, till they can raise a support. Without this aid, the Indians will be more wretched than they were before they moved."

"The Shawnees and Delawares of Cape Girardeau, who were, twenty years ago, doing well, with good houses, little farms, with stock in abundance, are now in distress, roving in small parties in every part of the country, in pursuit of subsistence. Those who have come from Ohio will, if not supported, in a short time be in the same situation."

"The distresses of the Indians of this superintendency, are so great and extensive, and complaints so frequent, that it is and has been impossible for me to report them. I therefore have taken on myself a great deal, in acting as I thought best; I have not troubled the Government with numerous occurrences, which they could not remedy."

Sir, Gen. Clark is your most experienced Superintendent of Indian affairs; and his superintendency lies in this vaunted Indian Canaan, beyond the Mississippi. Let us learn wisdom from the fate of the Shawnees and Delawares, who in twenty years, have sunk from the possession of comfortable farms and competence, to abject roving poverty. One statement more,

from an official letter of General Clark, of March 1, 1826, and I leave this topic.

"The condition of many tribes west of the Mississippi, is the most pitiable that can be imagined. During several seasons in every year they "are distressed by famine, in which many die for the want of food, and "during which, the living child is *often* buried with the dead mother, because no one can spare it as much food as would sustain it through its helpless infancy. This description applies to the Sioux and Osages, and "many others; but I mention those because they are powerful tribes, and "live near our borders, and my official station enables me to know the exact "truth. It is vain to talk to people in this condition about learning and "religion."

This is the country to which the Indians are to be moved. This is the fertile region, in which they are to be placed. This their prospect of improvement.

The worthy Chairman of the Committee told us of the causes of their degeneracy, seated in the nature or in the habit, the second nature, of the Indians. I admit the truth of the representation; I am sorry there is so much foundation for it. My hopes have never been over sanguine of elevating the race to a high degree of civilization; although within a few years better hopes have been authorized, than ever before. But these causes of degeneracy exist. The Indians, it is said, suffer from the proximity of the whites, and the jealousy and hostility between them, and the conscious inferiority of the Indian. But this is not remedied west of Arkansas;—they will have a white population crowding on them there. There is one already. We are told they are improvident. Be it so: will they not be improvident there. Mr. McCoy tells us, this happy land has but little timber, and yet thinks that, if left to themselves, that they would go in and cut it down: and that there must be a sort of Government forester, to parcel it out for them, and keep them from wasting it. We are told they have an innate propensity to intemperance. Will they cease to have it in the wilds of Arkansas? If they thirsted for spirits by the pleasant banks of the Usatanala and Coosawattee, will they abstain in the salt prairies and parched deserts of the West? What safeguard will they have there, which they have not here? Surely, sir, as they are removed from a surrounding civilization, as they cease to breathe the very temperate atmosphere of the Atlantic States, there is reason to fear, that the causes of degeneracy will remain in all their intensity, while the checks will be fewer, and the remedies weaker.

I have already hinted that this great project fails in the point put forward as its recommendation, the *permanency* of the new abode. There is no well grounded hope of permanency in it, and our experience shows it is delusive. The Cherokees of Arkansas remained unmolested ten years. If the lands to which you remove them are what you describe them to be, you may as well push back the tide in the Bay of Fundy as keep out the white population. Its progress onward is sure, and as surely will it push the Indians before it. This new wilderness which you parcel out to them is not a permanent home. It is a mere halting place—a half-way house on the road to the desert.

We talk of pledges, guaranties, and patents. Now, sir, I have not the least doubt of the good faith of the President, of his Cabinet, of every gentleman in this House friendly to the bill, and of every honest man in the community who supports it. They all honestly mean that the Indians should be safe in their new residence; and if they are not safe, it will not be the fault of the friends of the bill. Having said this, I must be permitted to add, that I would not give one farthing for the best patent that could be is-

sued to this new country, with the seal of every member of the Government. I would not pick up the unmeaning scrawl from the earth. What, take a patent to secure my title west of the Mississippi, when fifty treaties on the east side, signed by all your Presidents, sanctioned by all your Congresses, have proved themselves not worth what it cost to engross them? I would regard the offer of it as an insult. Treaty and patent; what is the difference, save that the former is the more solemn and authentic pledge of the public faith. Are they not both of the like parchment, signed and sealed? What is there in a patent to give it a binding power? Is there any principle of obligation in it; any life or voice to upbraid its violators? There is nothing in it. It is a word, a name. It signifies nothing—it can do nothing. It is meant well—and that is well—and that is all.

But, sir, these Indians could not live in this country, not even if your advancing population would let them alone, and the country itself were a pretty good one. It requires some of the highest qualities of civilized man to emigrate to advantage. I do not speak of great intellectual elevation; not of book learning, nor moral excellence; though this last is of great importance in determining the prosperity of a new settlement. But it is only the chosen portion of a community, its *elite*, that can perform this great work of building up a new country. The nervous, ardent young man, in the bloom of opening life, and the pride of health, can do it. It is this part of the population that has done it. This is the great drain of New England and the other Atlantic States. But to take up a whole population; the old, the feeble, the infant, the inefficient and helpless, that can hardly get through life any where, to take them up by a sweeping operation, and scatter them over an unprepared wilderness, is madness. It is utterly impossible for them—I do not say to prosper—but even to subsist. Such a thing was never heard of. How narrowly did the pilgrims of New England escape destruction, although their ranks were made up of men of the sternest moral qualities, well provided with pecuniary resources, and recruited for several years by new adventurers! The Indians are to be fed a year at our expense. So far is well, because they will not starve that year. But, are the prairies to be broken up, houses built, crops raised, and the timber brought forward, in one year? Sir, if a vigorous young man, going into the prairie and commencing a settlement, can raise a crop to support himself the second year, I take it he does well. To expect a community of Indian families to do it, is beyond all reason. The Chairman of the Committee tells us, it would be cruel to cast them off at the end of one year; they must be helped along. Doubtless they must. And, in the progress of this way of living, partly by the chase, partly by husbandry, and partly by alms, if a people naturally improvident do not speedily become degenerate and wretched, they will form an exception, not merely to all their brethren, with a single exception, who have preceded them in this course, but to the laws of nature. The earnest volition to go, is the great spring of the emigrant's success.—He summons up his soul, and strains his nerves, to execute his own purpose; but drive a heart-sick family, against their will, from their native land, put them down in a distant wilderness, and bid them get their living, and there is not one chance in fifty that they would live two years. While you feed them they will subsist, and no longer. General Clark tells you, that those who were in comfort twenty years ago, must now be fed. Sir, they cannot live in these dismal *steppes*. They must starve; we know they must. General Clark tells us they do starve; and when the mother starves to death, they put the living child into the grave with her. To palliate this terrific occurrence, we are told it is common, it is incident to Indian life. But not surely among the Southern Indians. And if it is meant only that it is common beyond the Mississippi, then what an image does it not give us of the

country into which we are driving these victims? If it were not as sterile as the desert of Arabia, it would yield enough to prevent the recurrence of such horrors.

View the subject in another light. What is to keep these Indians after their removal from making war on each other? This danger was instantly perceived by the intelligent traveller whom I have already cited.* "Since this period," says he, "hostilities, as might have been expected, have again commenced between these restless and warlike tribes, (the Cherokees and Osages,) who can perhaps never be prevailed upon to live in friendship, as they will be perpetually transgressing each other's hunting grounds. At a very recent date, (1821.) four hundred Osage warriors appeared before the garrison at Belle Point, on their way against the Cherokees, accompanied by a party of the Sauks and Fox Indians, and killed four Quapaws hunting in the neighborhood. Such is the effect of the imprudent and visionary policy of crowding the natives together, in the hopes of keeping them at peace."

These 75,000 Indians whom you propose to collect in this region, are not one tribe; they are not cognate tribes. We are told in some of the papers which have been laid on our tables, that the four Southern tribes speak the same language. It is not so. The Choctaws and Chickasaws speak substantially the same; the Creeks speak a different language, and the Cherokees still another. With these Southern tribes, and the North-western, there is no affinity. There are between various tribes of Indians, hereditary feuds. Mr. McCoy's Indians were at war with the Osages, and had been for years. You put them down side by side. You bid them hunt in the same waste. You grant the same land two or three times over to different tribes. The lands granted to the Cherokees of Arkansas, had been in part given, the year before, to the Creeks. The Chickasaws are to be put down on the Choctaw lands. The new Cherokee territory runs over the reservation of the Kansas and Osages; and into this territory, thus pre-occupied, you are going to pour down from fifty to seventy-five thousand more. I will cite, on this subject, a paragraph from an Arkansas paper. I pretend not to claim for it any other weight, than what it derives from the manifest reasonableness of its purport:

"Proposed residence of the Indians.—The whole country west of Missouri and Arkansas, (including the forty miles severed from the latter,) is already parcelled out to the different tribes that now occupy it. The Cherokees and Creeks are already murmuring on account of their restricted limits, and complain that the Government has assigned to both the same tract of country. The productions of the habitable parts of the country, under the careless culture of the Indians, will be found not more than sufficient to supply the wants of the present population. If the proposition respecting the formation of an Indian colony, contained in the report of the Secretary of War, should be adopted by the Government we will have, according to the Secretary's calculation, 75,000 at one litter, in addition to those already in the country. Will he tell us where he will put them? and how he will support them under existing circumstances? I believe this plan rational and practicable, if the Texas country belonged to the Government; but, otherwise, the restricted limits in which he would have to plant his colony, would render it a perfect Indian slaughter-house."

There is only one way in which we can prevent this mutual havoc, and that is by the constant presence of a powerful armed force, and on that I shall presently say a word.

But the difficulty does not stop here: There are two boundaries to this

* Nuttall, p. 212.

new Territory. There is Arkansas on one side, a part of our Union ; from which, of course, no violence will be perpetrated against the Indians. But, on the other side, they will be open to the desert. Is that desert empty ? Is it occupied only by the buffalo ? Sir, it is the hunting ground of the Pawnees and Camanches—the fiercest tribes of the continent. These are the masters in civilization, to whom we are going to send our hopeful pupils, to complete their education. Our Indians have made some progress in the arts of life ; and now we are going to put them down by the side of these dreaded hordes, who are a terror even to our own armed traders, and still realize that frightful picture of Indian ferocity and power, which fills the early pages of the history of America. What must be the consequence ? The answer is short: They will be destroyed. When these wild savages of the desert shall take our civilized red brethren in hand, they will most probably crush them.

This event can only be averted by another. If the Indians, whom you congregate in these prairies can (which I do not believe) ward off starvation; if they take root and flourish ; and, if they withstand the power of the untamed tribes in their neighbourhood, it must be by resuming themselves the savage character. If they fight the Pawnees and Camanches, it must be by themselves again becoming a warlike race. I have no faith whatever in their being able to sustain themselves ; but if they do, what have you effected ? You have built up a community of near one hundred thousand Indians, obliged, in self-defence, to assume a warlike character, and provided, by your annuities, with the means of military annoyance. And what sort of neighbors will *they* be to your own white settlements ? What sort of a barrier will you have raised to protect Arkansas from the Camanches ; for this is one of the prospective benefits which have been set forth, as likely to result from this measure ? The impolitic character of the measure, in this view of it, did not escape the observation of the most judicious person who has visited that country. “ It is now, also,” says Mr. Nuttall, “ the intention of the United States to bring together, as much as possible, the savages beyond the frontier, and thus to render them, in all probability, belligerent to each other, and to the civilized settlements on which they border. To strengthen the hands of the enemy, by conceding to them positions favorable to their designs, must certainly be far removed from prudence and good policy. To have left the aborigines on their ancient sites, rendered venerable by the endearments and attachments of patriotism, and surrounded by a condensed population of the whites, must either have held out to them the necessity of adopted civilization, or, at all events, have most effectually checked them from committing depredations. Bridled by this restraint, there would have been no necessity for establishing among them an expensive military agency, and coercing them by terror.”

Sir, these alarms of war are not imaginary. A hostile incursion was made as late as last January into the south western corner of the Territory of Arkansas. One citizen was killed while at work, and the neighboring settlements thrown into confusion, and threatened with being broken up. Affidavits proving the fact are on your table. A letter is before me from a highly respectable source in the Territory of Arkansas, stating it to be now ascertained that the Indians are preparing to make a general attack on our frontiers in the month of May or June next.” While I speak it, sir, the Savage is perhaps on your frontier settlements. Will he spare your own Indians, whom you propose to throw as a barrier between him and these settlements ? No, sir, he will consider these new comers as intruders on his own domain. The vast region to which we have extinguished the title of the Osages and Kansas, and over which we propose to scatter our tribes, is claimed as their own hunting ground, by the Pawnees and Camanches ;

and you are not to suppose, that, while their war-parties are insulting the regular troops of your own army, they will respect your enfeebled Indians. Let gentlemen read the account of the expedition sent out to overawe these war-parties during the last Summer, and they will see this is to be no trifling business.

Do gentlemen forget that we have already been called on for strong measures of defence? There is now a bill on our tables, from the Senate, to mount ten companies for the protection of the frontier, and it is not alone against the unreclaimed Savages of the desert, that we are called upon for protection. I find, sir, among the papers accompanying that bill, a memorial from the Legislature of Missouri, setting forth the danger to be feared from the Indians collected by ourselves in the region beyond the Mississippi.—Coming in a form so authentic and respectable, I shall be pardoned for citing a few sentences from it. It was adopted by the Legislature of Missouri on the 20th December, 1828.

“There is another consideration equally forcible. The Government of the United States has caused various powerful tribes of Indians to be removed from the East of the Mississippi river, and located on our Western frontier. It is believed that these Indians, while on their hunting parties, pay as little respect to the property of the whites, as do the wandering and less civilized tribes of the Western Territory. The Government having thus located these Indians, it is expected that every reasonable precaution will be taken to secure the citizens of our State from Indian depredations. Savages are restrained by nothing but force, and we have good grounds to apprehend, that, unless a military force be placed among them, they will not only repeat their aggressions on our trading parties, but that ere long they will make inroads on our frontier settlements. We have the authority of an experienced Indian Agent for saying, that the Pawnee Indians, a powerful tribe, are now much disaffected towards us, and are determined to spare no white man who falls in their way.”

In consideration of facts and representations like these, you have now before you a bill for mounting ten companies, a force equal to one tenth part of the Army of the United States. You are actually obliged to turn one tenth of your army into rangers to protect that frontier, beyond which you are going to congregate your Indian neighbors. If one tenth are now required, can any one doubt that our whole army would be little enough to repress the incursions of the wild tribes, and keep the peace among seventy five thousand of our own Indians, pent up in their new districts, and protect the frontier from both? There is little doubt in my mind, that it would require the standing army to be doubled in order to effect these objects.

And now, sir, let us count the cost. *Let us count the cost!* I do not say this is to be the governing consideration. I do not say, that, if the object could be fairly, and rightfully, and with good faith, attained, I would not go with gentlemen, who have expressed their readiness, on the like supposition to take a hundred millions of dollars from the Treasury, and pledge the public credit for a century in advance. I will decide that, when the case comes up. But I will know, first, what this movement is really to cost. I will not vote in the dark. I will not be amused with a vote of five hundred thousand dollars, to execute a project, of which the expense will fall little, if any, short of five times five millions.

There are several items in the expenditure requisite to effect such a movement, which, though heavy in amount, are contingent in their nature, and difficult to calculate. I shall take only such as admit of being brought to a standard of calculation: 1st. The first item is the original purchase money; the price we are to give for the title which the Indians have, (whatever we call that title) to the lands they occupy. This has ever been a

heavy charge in our Indian treaties. What will it cost to extinguish the Indian title to more than fifty millions of acres of land, the quantity occupied by the Indians to be removed? Here we can have no safer estimate than *experience*. I shall take, as the basis of the calculation, the last considerable treaty with the Creek Indians, that of Washington, in 1826. By that treaty, we acquired four millions seven hundred thousand acres of land. The amount paid for this cession, including a principal sum, whose interest would equal the perpetual annuity of \$20,000 was \$650,933. This sum does not include the expenses of negotiation, the value of improvements relinquished, nor the purchase of the territory West of the Mississippi. The amount of land to be acquired exceeds fifty millions of acres, say eleven times the cession made by the treaty of Washington, or 51,700,000 acres. Eleven times the price paid for the Creek cession amounts to \$7,160,133. I deem it fair, on every ground, to suppose that we shall have to pay, at least, as much for the other cessions as we did for that of the Creeks. The Creeks are the least civilized of the Southern tribes, and consequently place the least value on their lands. The Cherokees and Choctaws could not, in reason or fairness, be expected to sell a cultivated country, for any thing like what is paid for the hunting grounds of uncivilized tribes. If the bill is passed, the Indians, in general, will feel and know that their lands will be purchased, at whatever price. On all these grounds, I am warranted in taking the treaty of Washington as a safe standard for the calculation. I might with great propriety go above it, for it is now ascertained that a considerable region of these Cherokee lands is rich in gold. We are informed, that four or five thousand persons are engaged in washing gold within the Indian country, and that they get two dollars each *per diem*. It may not be half that; but if it is only a quarter, or fifty cents, a day (which is likely to be nearer the truth,) it makes the country an exceedingly rich gold region.* Hosts of intruders are already pouring into the country, to rob the Indians of their gold. We surely shall not imitate their example; we surely shall not take from them gold mines, yielding thousands of dollars a day, without an equivalent. If the whole movement is not to be high-handed force, in its most offensive form, we shall pay them something like the value of the treasure, from the possession of which we expel them. If we do this, as we are bound, in equity and in common justice, to do, we shall have to pay, for the gold region alone, a sum equal to the whole of what I have estimated for the entire extinguishment of the Indian title. I am therefore amply warranted in taking the price of the Creek cession, as the standard of the estimate; and putting down the first item at more than seven millions of dollars.

The next item is *Improvements*. The bill provides, that we are to pay for such as add real value to the land. This term *improvements* is an expression somewhat vague, in its import. But the promises which we have held out to these Indians, as well as the dictates of the barest justice will require us, to make the Indians in the new country, good. If we force them from their houses, we must build them other houses as good. We have solemnly promised we will. We shall be barbarous ourselves, if we do not. We must rebuild for them, in the far-distant wilderness, where wood is scarce, even for

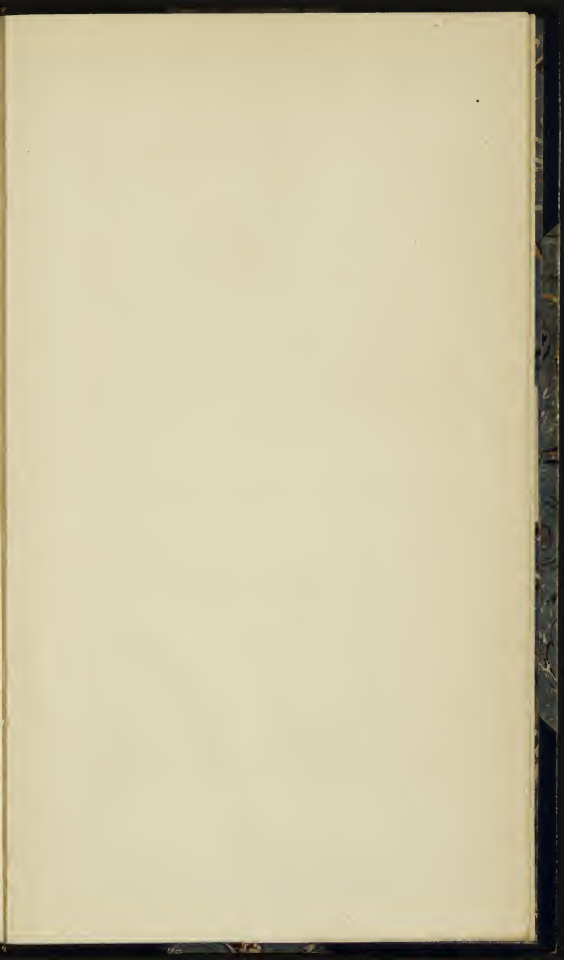
* *More Gold*.—One of our townsmen has brought, from Habersham County, a piece of Gold, recently found there, worth one hundred and fifty dollars. We begin to be of the opinion, generally entertained in the upper counties of this State, that Georgia is extremely rich in the precious metals, and perhaps as much so as Mexico or Peru. Our gold region begins to attract more attention than the sugar region. How strange, that the discovery of Gold in this State was not made at an earlier period! Thousands are now profitably employed in searching for this precious metal, and we are afraid some of our most steady, prudent citizens, will have their heads turned by "golden dreams."

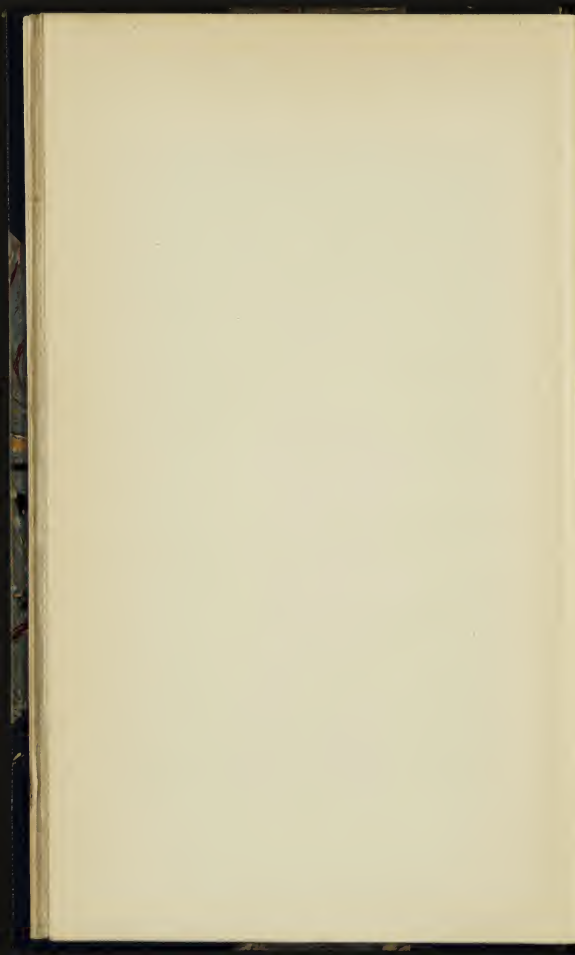
[*Milledgeville Recorder*.]

fuel, houses, mills, and workshops, such as they have left. They have expended no small sums out of their annuities in roads. Shall we set them down in the pathless desert, and do nothing to open avenues of communication to it, and between its different parts? They have here extensive enclosures to their fields, we must replace these in the prairie. They have wagons, ploughs, looms, and boats. These cannot be transposed but at an expense beyond their value. They must be paid for, or replaced to them.— They have a large amount of live stock, most of which will be an entire loss to them unless we purchase it; or put it in their power to replace it in the desert. All this furnishes a vast amount. I will not undertake to make an estimate of my own; but I will take one furnished from the War Department, by Colonel McKenney, in reference to the Chickasaws. After a detailed enumeration of the items of the estimate, he gives the aggregate sum at \$484,750 for the Chickasaws alone, a tribe amounting to four thousand souls. Now it is perfectly well known, that this is not the most advanced tribe in civilization. They do not exceed the Choctaws, and they fall behind the Cherokees. I consider it, then, safe to take this estimate of the War Department, for the Chickasaws, as the standard of the estimate for the Indians to be removed. This will give us as the value of the property of seventy-five thousand Indians, to be paid for, reimbursed, and replaced, \$9,075,000.

The next item is the cost of collection and transportation. Here we have not merely official estimates, but experience to guide us. Two parties of Creeks have been sent over. That headed by Mr. Brearley, the agent of the emigrating Creeks, cost \$52,297, for 1,200 individuals. The other party headed by Col. Crowell, cost \$27,585, for 1,300 individuals. The expense of the first party is \$43 58 per head; that of the second \$21 22 per head; an average of \$32 40. Now we are told from the Department, that the price may be still farther reduced. Why? If we form an estimate on two fair experiments the only reasonable mode of procedure is that of average; otherwise, we may make fancied estimates that it will cost nothing, supposing it may be done for less and less, each time. But we are to move them by contract, says the Second Auditor. Not, sir, with my consent. Though I deprecate beyond measure the passage of this bill, I will liberally and cheerfully vote the appropriations to carry it humanely and equitably into execution. But I will not vote a dollar for this dreadful contract. Sir, send these Indians off by contract, and their removal will present a scene of suffering, unequalled by that of a flying army before a triumphant foe. It will be the direct interest of the contractors to stint them in every supply and accommodation, and to hurry them to the utmost limits of human strength. I cast no imputations on the contractors, I know not who they are to be. But they are men, engaging in this business, as a money-making speculation; and the most ordinary principles of human nature show, that if transported, in this way, many of these Indians will be destroyed on the march. Let us have no contracts; but send them under the guidance of men of high responsibility, and let us cheerfully pay the necessary expense. The average expense of the two parties of Creeks, which have already emigrated is \$32 48, taking the statement of the department, in which many things are omitted, fairly chargeable to the account. I will then take the cost of collection and transportation at \$30 per head, an expense less than the actual average. The result is \$2,250,000 for the whole number to be removed.

The next item is *subsistence for one year*. I have made some efforts to estimate this correctly. I am convinced that in the statements made in debate, on this floor, it has been very much underrated; for not adverting to the circumstances which most directly affects the cost of the ration, which, we are told, is not to exceed eight cents. On application at the proper Depart-









AYER

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